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810-5-1-.200. Destroyed, Totally Wrecked or Completely Junked Motor Vehicles - License Tags.

- (1) Whereas the Department of Revenue is required by statute to provide tags for all motor vehicles to be sold and issued by the judges of probate, commissioners of licenses, directors of revenue or other county officials.
- (2) Now, therefore, in order to facilitate compliance with the provisions of §40-12-266, each of the several judges of probate, commissioners of licenses, directors of revenue or other county officials authorized and required by law to issue tags for all motor vehicles is hereby appointed to act as agent of the Department of Revenue for the purpose of complying with the provisions of §40-12-266, Code of Alabama 1975.
- (3) It is further ordered that the license tags on destroyed, totally wrecked or completely junked motor vehicles which models are prior to the 1975 year model and are so mutilated that they cannot be transferred to another vehicle will be turned in to the issuing official when new motor vehicle license tags are purchased for \$1.00 and such turned in tags will be forwarded by the issuing official to the Motor Vehicle and License Tax Division, State Department of Revenue, 2721 West Gunter Park Drive, Montgomery, Alabama 36109 to be further destroyed. (Authority: §40-12-272) (Adopted June 11, 1976, amended July 15, 1982)

810-5-1-.201. Exemptions from Privilege or License Tax and Registration Fee at Time of Registration or Re-registration.

- (1) Anyone claiming the exemption from the privilege or license tax and registration fee levied on automobiles and motor vehicles by the State of Alabama must claim the exemption at the time of registration or re-registration of the vehicle.
- (2) Anyone not claiming an exemption at time of registration will not be entitled to a refund of registration fees subsequently claimed.
- (3) Anyone qualifying for an exemption after having registered his or her motor vehicle must wait until his or her next registration period to claim the exemption; provided, if the exemption is a permanent exemption, such as a Prisoner of War exemption under Section 32-6-250, upon surrender of the current license plate, the qualified individual may be issued the requested exemption plate and will not be subject to future payments of fees (but no refund of fees paid for the surrendered plate shall be made).
- (4) Anyone entitled to an exemption who qualifies for and elects to receive a distinctive license plate that has an additional fee is not exempt from the payment of the additional fee.

(5) Section 32-6-254 provides a permanent exemption to surviving spouses for the distinctive license plates authorized under Section 32-6-250; provided the exemption ends at his or her remarriage. The exemption is applicable even if the exemption was not available during the lifetime of the service member, or if the service member did not choose to exercise the exemption/secure the distinctive license plate. (Authority: Sections 40-2A-7(a)(5), Code of Alabama 1975 (Adopted through APA effective July 30, 1982; Amended: Filed October 28, 2005, effective December 2, 2005))

810-5-1-.202. Personalized License Tags - Rejection of Objectionable Language or Symbols.

(1) WHEREAS, the Department of Revenue is authorized by statute to promulgate rules and regulations relating to the use and operation of a private passenger or pleasure motor vehicle before the owner thereof can obtain a personalized license tag, the Department of Revenue shall determine whether or not to manufacture and issue the license plate as applied for.

(2) IT IS THEREFORE ORDERED that no license plate be manufactured and issued which contains objectionable language or symbols which are considered by the Department of Revenue to be offensive to the peace and dignity of the State of Alabama. (Adopted July 22, 1982) (Authority: §§40-2-11 and 32-6-151)

810-5-1-.203. Students - Temporarily living in Jurisdiction other than their Jurisdiction of Legal Residence.

(1) WHEREAS, residents of one jurisdiction may, and often do, attend schools in other jurisdictions; and

(2) WHEREAS, as students such non-residents are temporarily living in the jurisdiction in which their residences are not located and intend to return to their jurisdiction of residence; and

(3) WHEREAS, the Department of Revenue recommends that motor vehicle licenses be issued only by an operator's jurisdiction of residence and that each jurisdiction should recognize properly licensed operators who are residents of other states; whether or not such operators be tourists or gainfully employed.

(4) IT IS THEREFORE ORDERED, that for the purpose of vehicle reciprocity a student not be regarded as having changed the jurisdiction of his residence merely because of school attendance in another state, or participation in a school training program, even though he may be engaged in employment in conjunction with his course of study and training, provided the student involved carries for inspection of law enforcement officers the following:

(a) A document showing him to be an enrolled student of an accredited college or university participating in a cooperative education training program.

(b) A letter from his employer identifying him as a participant in a training program and showing the dates of employment, if applicable.

(c) And a letter of policy covering the reciprocity extended by the jurisdiction concerned. (Adopted July 23, 1982). (Authority: §40-12-262)

810-5-1-.204. Placement of Motor Vehicle License Tags on Certain Motor Vehicles.

(1) The Commissioner of Revenue is of the opinion that Act 143 of the 1961 Legislature, now Section 32-6-51 Code of Alabama 1975, has certain conflicts in regard to the placement of license plates on trucks or truck tractors.

(2) In order to comply with the legislative intent of Act 143 which requires the license plates to be conspicuous and "plainly visible", the Department of Revenue mandates that

the placement of license plates issued for truck tractors as defined in Section 40-12-240, as amended, be displayed on the front of the truck tractors (excluding motor homes).

(3) Owners or operators of trucks as defined in Section 40-12-240, as amended, may display the license plate in the front of the vehicle when:

(a) The license plate is rendered difficult to read because of the truck bumpers, or truck lift or other permanent obstruction.

(b) The license plate is subject to being bent, defaced, mutilated because of the commodity hauled or the use made of the truck.

(c) The license plate is subject to being covered with dirt, chemicals, etc., because of vehicle design or use (i.e. dump trucks, trash or garbage trucks).

(4) The license plate required of all other motor vehicles shall be placed on the rear of such vehicle as provided by said Act. (Adopted October 1, 1962, amended July 23, 1982, amended May 30, 1989, amended September 18, 1992) (Authority: §§40-2-11, 40-12-272, Code of Alabama 1975.)

810-5-1-.205. Temporary Tags - Authorized Uses.

(1) Act No. 79-817, 1979 Regular Session of the Alabama Legislature, was enacted for the purpose of providing temporary tags to purchasers of motor vehicles under certain conditions. The Act also provides for three distinct and temporary type tags to be used by such issuing agents. For the Probate Judges, License Commissioners, and Directors of Revenue who are already designated agents under the Title Law, it is only necessary that they file an application with this office using their designated agent's number under the Title Section to become a designated agent to issue temporary tags primarily to vehicles to be licensed out-of-state. However, if for any reasonable and valid reason the Judges need to issue more than one temporary tag to any one individual they are allowed to do so under this Act so long as the temporary period does not exceed sixty days. All issuing agents will be held accountable for those tags assigned to them by license number for accounting purposes. The same applies to tag receipts.

(2) The dealers will be furnished a distinctive type tag. The dealers are only authorized to issue temporary tags to those persons who purchase a motor vehicle for titling and registration in another state. Each such dealer can only issue one temporary tag to the same individual for the same vehicle. This also applies to manufacturers and dealers in mobile homes who will have a third distinctive type motor vehicle tag to be issued only to vehicles which will be licensed out-of-state.

(3) The Act further provides that mobile home manufacturers and dealers in mobile homes must post a continuing bond in an amount not less than \$5,000.00 or in lieu of such bond such manufacturer or dealer may file a condensed balance sheet as of a date not more than three months prior to July 1, of each year evidencing a net worth of not less than \$25,000.00.

(4) The Department of Revenue, Motor Vehicle Division, will furnish all forms, receipts, and temporary tags to be used by the issuing agents. The price of each tag is \$2.25 as shown on the remittance advice form and each designated agent, manufacturer, or dealer shall remit to the Department of Revenue, Motor Vehicle Division, on the remittance advice form the sum of \$1.50 for each temporary tag issued. The balance of fee (\$.75) shall be remitted to the County Commission of the county in which the tag is issued. The \$.75 to be paid to the county is an issuance fee and no additional fees are to be collected by the issuing authority. The remittance advice form will be in three parts and the original of the form is to be remitted to the Department of revenue along with fees listed thereon. The second copy is to be furnished to county in which issued along with county remittance and the third copy is to be retained by the issuing agent for a period of one year from date of issuance for accounting purposes by the Examiners of Public Accounts. The receipt forms will be in triplicate with the original to be sent to the Department of Revenue, Motor Vehicle Division, the second copy to the purchaser, and

the third copy to be retained by the issuing agent for accounting purposes. These tags are cardboard tags and should be posted by the purchaser in the rear window of the motor vehicle for which it was purchased. The information to be written on the tag by each issuing agent shall be in ink showing the date issued, date expiring, and such other information as is required on the temporary license tag. All issuing agents are requested to forward the remittance to this office by the 10th of the month following date issued. (Adopted September 24, 1979, amended July 30, 1982) (Authority: §40-2-11 and 32-6-218)

810-5-1-.206 Military Exemptions and the United States Armed Forces Reserve Distinctive License Plates.

(1) Active members of the United States Armed Forces Reserve, who are residents of Alabama, shall be entitled to claim a registration fee exemption for one passenger vehicle owned by the active member of a reserve unit.

(2) The registration fee exemption shall apply to only one passenger vehicle to include trucks with gross vehicle weights not exceeding 8,000 pounds. Passenger vehicles shall not include self-propelled campers or house cars, motorcycles, trailers, semitrailers, or motor vehicles used in the transportation of persons for hire. Additional distinctive license plates may be acquired after payment of the required registration fees, and taxes. Where an active member of the United States Armed Forces Reserve moves to another county and desires to purchase a U.S. Armed Forces Reserve military license plate, and the registration fee exemption has already been claimed in the prior county, the reserve member shall present the active reserve identification card or Common Access Card, and the most recent copy of his or her Leave and Earnings Statement (LES) to the county license plate issuing official. This documentation aids the license plate issuing official in ensuring that the individual qualifies to purchase the U.S. Armed Forces Reserve military license plate.

(3) The U.S. government began issuing modified United States military identification cards in October 2004 referred to as Common Access Cards (CAC). The new cards do not contain a status field for military personnel which means that one cannot view the new cards to determine whether an individual is in the National Guard, Reserves, or is active duty military. The new cards are issued to new enlistments, persons receiving promotions, and military personnel receiving replacement cards for other reasons. Previously issued cards containing the status field will remain valid until October 2007 or until the cards expire, whichever comes first.

(4) To claim the exemption, the active reserve member must present, to county license plate issuing official, an active reserve identification card or Common Access Card, and an affidavit signed by the unit commander confirming the reservist/vehicle owner remains in military service and is entitled to the registration fee exemption.

(5) The passenger vehicle for which the United States Armed Forces Reserve distinctive license plate is sought shall be owned by the active reserve member as evidenced by the reservist's name appearing on the title. The vehicle not be owned by a trust, corporation, LLC, spouse, dependent, etc.

(6) The registration fee exemption for the active reserve member may be applied to a standard passenger license plate or other distinctive license plate categories in addition to the active reserve license plate category. Active reserve members desiring to acquire a distinctive license plate other than the United States Armed Forces Reserve plate must pay the additional fee applicable to the license plate category requested prior to acquiring the distinctive license plate.

(7) United States Armed Forces Reserve license plates are renewed under the staggered registration system. Reservists are to renew in the month assigned by law according to the first letter of the individual reservist's last name.

(8) When a vehicle owned by an active reserve member is sold, junked, or otherwise disposed of, the active reserve license plate shall be removed from the vehicle, and shall remain with the active reserve member. Should the active reserve member acquire another vehicle, the United States Armed Forces Reserve license plate may be transferred to the other vehicle upon payment of the transfer fee to the county license plate issuing official.

(9) While an Alabama resident may qualify for the registration fee exemption, ad valorem tax must be remitted to the county license plate issuing official prior to issuance of a United States Armed Forces Reserve license plate, standard license plate or other distinctive license plate for which the registration exemption is applied.

(10) In the event a member of any United States Armed Forces Reserve unit, by virtue of military orders is deployed outside Alabama, and thus unable to personally provide to the county license plate issuing official an active reserve identification card or Common Access Card, and is otherwise entitled to an exemption under Section 40-12-244, Code of Alabama 1975, or other section of Alabama law providing for registration fee exemptions for members of any United States Armed Forces Reserve unit on active military duty, the spouse, dependent or person granted power of attorney to conduct business on behalf of the reservist, may provide proof, as described below, that reservist/vehicle owner is on active duty in military service, and the county license plate issuing official, relying on the proof provided, may authorize the registration fee exemption and issue the requested United States Armed Forces Reserve distinctive license plate, standard license plate, or other distinctive license plate for the reservist.

(11) In the event the reservist is deployed, the proof document to be presented shall be the most recent copy of the reservist's "Leave and Earnings Statement" (LES) or a copy of his/her mobilization orders, and the reservist's spouse or dependent's military identification card.

(Authority: Sections 40-2A-7(a)(5) and 32-6-352, Code of Alabama 1975) (History: Adopted through APA July 29, 2003, effective September 2, 2003; Amended: Filed October 28, 2005, effective December 2, 2005)

(1)

810-5-1-.207. Disabled Veterans - Uses and Transferability of Distinctive Tags.

(1) For the sake of uniformity and standardization, upon implementation of Act 81-933, of the First Special Session of the Alabama Legislature, the Revenue Department shall issue the distinctive "disabled veterans" license plate required by this Act to all disabled veteran applicants qualified for the issuance of license plates under Code of Alabama, 1975, as amended, Sections 32-6-130, 40-12-244, and 40-12-254.

(2) This shall be a permanent license plate, designed in accordance with Act 81-933 of the First Special Session of the 1980 Legislature and this license plate shall be revalidated each year as required by Act 80-631, 1980 Regular Session of the Alabama Legislature (The Staggered Registration System) for private passenger motor vehicles.

(3) The disabled veteran's license plates are not transferable between persons. A disabled veteran who has properly qualified and has been issued a distinctive "disabled veteran" license plate, upon selling his vehicle, shall remove the license plate from the vehicle. The purchaser (transferee) of the vehicle shall purchase a new license plate for the vehicle, unless specifically exempt from same.

(4) The disabled veteran can deliver his distinctive disabled veteran license plate to the Probate Judge or other county official authorized and required by law to issue license plates and have his distinctive license plates reassigned to his replacement motor vehicle. (Adopted August 2, 1982) (Authority: §§40-12-272 and 32-6-131)

810-5-1-.208 Military Exemptions and the National Guard Distinctive License Plates.

(1) Active members of the Alabama National Guard, who are residents of Alabama, shall be entitled to claim a registration fee exemption for one passenger vehicle owned by an active guardsman.

(2) Retired members of the Alabama National Guard with twenty (20) years or more service, who are residents of Alabama, are also entitled to claim a registration fee exemption for one passenger vehicle owned by the retired member.

(3) The registration fee exemption shall apply to only one personally- owned, private passenger vehicle to include trucks with gross vehicle weights not exceeding 8,000 pounds. Passenger vehicles shall not include self-propelled campers or house cars, motorcycles, trailers, semitrailers, or motor vehicles used in the transportation of persons for hire. Additional distinctive National Guard license plates may be acquired by paying the regular privilege or license tax and registration fee as provided by law. Where an active member of the Alabama National Guard moves to another county and desires to purchase a National Guard military license plate, and the registration fee exemption has already been claimed in the prior county, the guard member shall present the National Guard identification card or Common Access Card, and the most recent copy of his or her Leave and Earnings Statement (LES) to the county license plate issuing official. This documentation will aid the license plate issuing official in ensuring that the individual qualifies to purchase the National Guard military license plate.

(4) The U.S. government began issuing modified United States military identification cards in October 2004 referred to as Common Access Cards (CAC). The new cards do not contain a status field for military personnel which means that one cannot view the new cards to determine whether an individual is in the National Guard, Reserves, or is active duty military. The new cards are issued to new enlistments, persons receiving promotions, and military personnel receiving replacement cards for other reasons. Previously issued cards containing the status field will remain valid until October 2007 or until the cards expire, whichever comes first.

(5) To claim the exemption, the active National Guard member must present to the county license plate issuing official, a proper identification card and an affidavit signed by the unit commander, confirming that the member/vehicle owner remains in the National Guard or State Guard and is entitled to the registration fee exemption.

(6) A retired member of the Alabama National Guard must present proper identification and a NGB Form 22, or a Notice of Eligibility for Retired Pay at Age 60 as proof of retirement status.

(7) The passenger vehicle for which the National Guard distinctive license plate is sought shall be owned by the member as evidenced by the member's name appearing on the title. The vehicle shall not be owned by a trust, corporation, LLC, spouse, dependent, etc.

(8) The registration fee exemption for the active and retired National Guard member may only be applied to the distinctive National Guard license plate or National Guard personalized distinctive license plate. Payment of the additional fee must be remitted to the county license plate issuing official before the National Guard personalized distinctive license plate may be issued.

(9) When the vehicle owned by the active or retired member is sold, junked, or otherwise disposed of, the distinctive National Guard license plate shall be removed from the vehicle, and shall remain with the member. Should the member acquire another vehicle, the distinctive National Guard license plate may be transferred to the other vehicle upon payment of the appropriate transfer fee to the county license plate issuing official.

(10) In the event a member of any Alabama National Guard unit, by virtue of military orders, is deployed outside Alabama, and thus is unable to personally provide to the county license plate issuing official the affidavit by his/her unit commander confirming that the member is on active military service and is thus entitled to an exemption under Section 40-12-244, Code of Alabama 1975, or other section of Alabama law providing for motor vehicle registration fee exemptions, the spouse, dependent or person granted power of attorney to conduct the business of the member may provide proof, as described below, that the member/vehicle owner is in active military service, and the county license plate issuing official, relying on the proof provided, may authorize the registration fee exemption and issue the requested National Guard distinctive license plate for the member.

(11) In the event the Guard member is deployed outside Alabama, the proof document to be presented shall be the most recent copy of the serviceman's "Leave and Earnings Statement" (LES) or a copy of his/her mobilization orders, and the Guard member's spouse or dependent's military identification card. (Authority: Sections 40-2A-7(a)(5) and 32-6-352, Code of Alabama 1975) (History: Adopted through APA July 29, 2003, effective September 2, 2003; Amended October 28, 2005, effective December 2, 2005)

810-5-1-.209 Helping Schools Distinctive License Plates.

(1) Owners of all motor vehicles, who are residents of Alabama, shall be entitled to purchase a Helping Schools distinctive license plate. The registrant shall pay an annual additional fee as provided by law to secure the license plate. This fee shall be paid in addition to the regular registration fee that applies to the type of motor vehicle being registered as well as all applicable taxes.

(2) Owners of private passenger vehicles, to include pickup trucks of not more than 8,000 pounds gross vehicle weight, self-propelled campers or house cars, motorcycles or motor driven cycles may request either a pre-numbered or personalized Helping Schools distinctive license plate. If a pre-numbered plate is issued, the registrant shall receive a registration receipt, license plate, and validation decals at the time of registration.

(3) If a personalized plate is requested, the registrant shall receive a registration receipt, sixty (60) day temporary bearing the personalized message, and validation decals at the time of registration. Once the plate is manufactured, it will be shipped to the registrant or to the county tag office, if requested by the issuing official.

(4) Owners of commercial motor vehicles who desire to display the Helping Schools distinctive license plate shall comply with all rules and regulations governing commercial vehicles to include numbering schemes, when applicable.

(5) The Department of Revenue may alter the design of the Helping Schools distinctive license plate as may be necessary for issuance on all types of motor vehicles.

(6) Registrants may designate the school district for which they desire the net proceeds to be distributed. The county tag issuing official shall distribute the additional fee less the cost of production of the plate to the designated district. When a registrant fails to designate a school district or indicates no preference, the funds shall be distributed to the school district in which the funds were generated. The net proceeds will be used to purchase classroom supplies and equipment in grades K-12 of the public schools in the district.

Authority: Section 40-2A-7(a)(5), Code of Alabama 1975. History: New rule: Filed March 30, 2004, effective May 4, 2004.

810-5-1-.210.01 Motor Vehicle Registration Expiration Dates and Registration Periods.

- (1) Active members of the Alabama National Guard, who are residents of Alabama, shall be entitled to claim a registration fee exemption for one passenger vehicle owned by an active guardsman.
- (2) Retired members of the Alabama National Guard with twenty (20) years or more service, who are residents of Alabama, are also entitled to claim a registration fee exemption for one passenger vehicle owned by the retired member.
- (3) The registration fee exemption shall apply to only one personally- owned, private passenger vehicle to include trucks with gross vehicle weights not exceeding 8,000 pounds. Passenger vehicles shall not include self-propelled campers or house cars, motorcycles, trailers, semitrailers, or motor vehicles used in the transportation of persons for hire. Additional distinctive National Guard license plates may be acquired by paying the regular privilege or license tax and registration fee as provided by law. Where an active member of the Alabama National Guard moves to another county and desires to purchase a National Guard military license plate, and the registration fee exemption has already been claimed in the prior county, the guard member shall present the National Guard identification card or Common Access Card, and the most recent copy of his or her Leave and Earnings Statement (LES) to the county license plate issuing official. This documentation will aid the license plate issuing official in ensuring that the individual qualifies to purchase the National Guard military license plate.
- (4) The U.S. government began issuing modified United States military identification cards in October 2004 referred to as Common Access Cards (CAC). The new cards do not contain a status field for military personnel which means that one cannot view the new cards to determine whether an individual is in the National Guard, Reserves, or is active duty military. The new cards are issued to new enlistments, persons receiving promotions, and military personnel receiving replacement cards for other reasons. Previously issued cards containing the status field will remain valid until October 2007 or until the cards expire, whichever comes first.
- (5) To claim the exemption, the active National Guard member must present to the county license plate issuing official, a proper identification card and an affidavit signed by the unit commander, confirming that the member/vehicle owner remains in the National Guard or State Guard and is entitled to the registration fee exemption.
- (6) A retired member of the Alabama National Guard must present proper identification and a NGB Form 22, or a Notice of Eligibility for Retired Pay at Age 60 as proof of retirement status.
- (7) The passenger vehicle for which the National Guard distinctive license plate is sought shall be owned by the member as evidenced by the member's name appearing on the title. The vehicle shall not be owned by a trust, corporation, LLC, spouse, dependent, etc.
- (8) The registration fee exemption for the active and retired National Guard member may only be applied to the distinctive National Guard license plate or National Guard personalized distinctive license plate. Payment of the additional fee must be remitted to the county license plate issuing official before the National Guard personalized distinctive license plate may be issued.
- (9) When the vehicle owned by the active or retired member is sold, junked, or otherwise disposed of, the distinctive National Guard license plate shall be removed from the vehicle, and shall remain with the member. Should the member acquire another vehicle, the distinctive National Guard license plate may be transferred to the other vehicle upon payment of the appropriate transfer fee to the county license plate issuing official.

(10) In the event a member of any Alabama National Guard unit, by virtue of military orders, is deployed outside Alabama, and thus is unable to personally provide to the county license plate issuing official the affidavit by his/her unit commander confirming that the member is on active military service and is thus entitled to an exemption under Section 40-12-244, Code of Alabama 1975, or other section of Alabama law providing for motor vehicle registration fee exemptions, the spouse, dependent or person granted power of attorney to conduct the business of the member may provide proof, as described below, that the member/vehicle owner is in active military service, and the county license plate issuing official, relying on the proof provided, may authorize the registration fee exemption and issue the requested National Guard distinctive license plate for the member.

(11) In the event the Guard member is deployed outside Alabama, the proof document to be presented shall be the most recent copy of the serviceman's "Leave and Earnings Statement" (LES) or a copy of his/her mobilization orders, and the Guard member's spouse or dependent's military identification card. (Authority: Sections 40-2A-7(a)(5) and 32-6-352, Code of Alabama 1975) (History: Adopted through APA July 29, 2003, effective September 2, 2003; Amended October 28, 2005, effective December 2, 2005)

810-5-1-.212. Uses and Transferability of U.S.S. Alabama Battleship Commission Distinctive Tags.

(1) WHEREAS, Section 40-2-11 empowers the Commissioner of Revenue to supervise and control the administration of the various tax and license laws of the State of Alabama and

(2) WHEREAS, Section 32-6-55 provides that special tags be issued to the Chairman of the USS Alabama Battleship Commission and

(3) WHEREAS, the special tags issued to the individual and not to the vehicle the following procedures are hereby adopted.

(4) The distinctive license plates issued under this division shall not be transferable as between motor vehicle owners, and in the event the owner of a vehicle bearing such distinctive plates shall sell, trade, exchange or otherwise dispose of same, such plates shall be retained by the owner to whom issued and by him returned to the Judge of Probate or License Commissioner of the county who shall receive and account for same in the manner stated below. In the event such owner shall acquire by purchase, trade, exchange or otherwise a vehicle for which no standard plates have been issued during the current license year, the Judge of Probate or License Commissioner of the county shall, upon being furnished by the owner thereof proper certification of the acquisition of such vehicle and the payment of the motor vehicle license tax due upon such vehicle, authorize the transfer to said vehicle of the distinctive license plates previously purchased by such owner, which plates shall authorize the operation of said vehicle for the remainder of the then current license year. In the further event the owner of such distinctive plates shall acquire by purchase, trade, exchange or otherwise a vehicle for which standard plates have been issued during the current license year, the Judge of Probate or License Commissioner shall upon proper certification of such owner and upon delivery to such official of the standard plates previously issued for such vehicle, authorize the owner of such newly-acquired vehicle to place the distinctive plates previously purchased by him upon such vehicle and to use same thereon for the remainder of the then current license year. Such notice of transfer of ownership shall be made of record by the Judge of Probate or the License Commissioner.

(5) Any person acquiring by purchase, trade, exchange or otherwise any vehicle formerly bearing such distinctive plates shall be authorized, upon certification of such fact to the Judge of Probate or License Commissioner of the county and the payment of the fee now required by law, to purchase standard replacement plates for such vehicle which shall authorize the operation of such vehicle by the new owner for the remainder of the license

year. (Adopted August 5, 1982) (Authority: §§40-2-11, 32-6-56, 32-6-151 and 40-12-272)

810-5-1-.213. Uses and Transferability of Amateur Radio and Citizens Band Operators - Distinctive Tags.

(1) WHEREAS, Section 32-6-70 provides that special tags be issued to Amateur Radio and Citizens Bank Radio operators and WHEREAS, the special tags are issued to the individual and not to the vehicle the following procedures are hereby adopted.

(2) The distinctive license plates issued under this division shall not be transferable as between motor vehicle owners, and in the event the owner of a vehicle bearing such distinctive plates shall sell, trade, exchange or otherwise dispose of same, such plates shall be retained by the owner to whom issued and by him returned to the Judge of Probate or License Commissioner of the county who shall receive and account for same in the manner stated below. In the event such owner shall acquire by purchase, trade, exchange or otherwise a vehicle for which no standard plates have been issued during the current license year, the Judge of Probate or License Commissioner of the county shall, upon being furnished by the owner thereof proper certification of the acquisition of such vehicle and the payment of the motor vehicle license tax due upon such vehicle, authorize the transfer to said vehicle of the distinctive license plates previously purchased by such owner, which plates shall authorize the operation of said vehicle for the remainder of the then current license year. In the further event the owner of such distinctive plates shall acquire by purchase, trade, exchange or otherwise a vehicle for which standard plates have been issued during the current license year, the Judge of Probate or License Commissioner shall upon proper certification of such owner and upon delivery to such official of the standard plates previously issued for such vehicle, authorize the owner of such newly-acquired vehicle to place the distinctive plates previously purchased by him upon such vehicle and to use same thereon for the remainder of the then current license year. Such notice of transfer of ownership shall be made of record by the Judge of Probate or the License Commissioner.

(3) Any person acquiring by purchase, trade, exchange or otherwise any vehicle formerly bearing such distinctive plates shall be authorized, upon certification of such fact to the Judge of Probate or License Commissioner of the county and the payment of the fee now required by law, to purchase standard replacement plates for such vehicle which shall authorize the operation of such vehicle by the new owner for the remainder of the license year. (Adopted August 5, 1982) (Authority: §§32-6-71 and 40-12-272)

810-5-1-.214. Uses and Transferability of Special Tags Issued to Amateur Radio Operators Licensed by Civil Air Patrol.

(1) WHEREAS, Section 32-6-90 provides that special tags be issued to Amateur Radio Operators licensed by Civil Air Patrol and WHEREAS, the special tags are issued to the individual and not to the vehicle the following procedures are hereby adopted.

(2) The distinctive license plates issued under this division shall not be transferable as between motor vehicle owners, and in the event the owner of a vehicle bearing such distinctive plates shall sell, trade, exchange or otherwise dispose of same, such plates shall be retained by the owner to whom issued and by him returned to the Judge of Probate or License Commissioner of the county who shall receive and account for same in the manner stated below. In the event such owner shall acquire by purchase, trade, exchange or otherwise a vehicle for which no standard plates have been issued during the current license year, the Judge of Probate or License Commissioner of the county shall, upon being furnished by the owner thereof proper certification of the acquisition of such vehicle and the payment of the motor vehicle license tax due upon such vehicle,

authorize the transfer to said vehicle of the distinctive license plates previously purchased by such owner, which plates shall authorize the operation of said vehicle for the remainder of the then current license year. In the further event the owner of such distinctive plates shall acquire by purchase, trade, exchange or otherwise a vehicle for which standard plates have been issued during the current license year, the Judge of Probate or License Commissioner shall upon proper certification of such owner and upon delivery to such official of the standard plates previously issued for such vehicle, authorize the owner of such newly-acquired vehicle to place the distinctive plates previously purchased by him upon such vehicle and to use same thereon for the remainder of the then current license year. Such notice of transfer of ownership shall be made of record by the Judge of Probate or the License Commissioner.

(3) Any person acquiring by purchase, trade, exchange or otherwise any vehicle formerly bearing such distinctive plates shall be authorized, upon certification of such fact to the Judge of Probate or License Commissioner of the county and the payment of the fee now required by law, to purchase standard replacement plates for such vehicle which shall authorize the operation of such vehicle by the new owner for the remainder of the license year. (Adopted August 5, 1982) (Authority: §§32-6-91 and 40-12-272)

810-5-1.215. Vintage Vehicle License Plates; Issuance of; Use of; Transferring; Other Provisions.

(1) The Department of Revenue considers the following activities of the owner or operator of a vehicle displaying a Vintage Vehicle license plate as satisfying the requirements of Section 40-12-290, Code of Alabama 1975, as to vehicle use; either if

(a) The vehicle is operated on the streets or highways for the purpose of moving the vehicle to a location for maintenance or repair, or

(b) The vehicle is operated in "club activities, exhibitions, tours, parades," and can be driven to these locations for the purposes of attending these events or activities. For purposes of Section 40-12-290, the term "club activities" shall refer to the sponsored activities of Vintage Vehicle owner organizations, such as the Antique Automobile Club of America, or the Model A Club of America. The term "exhibitions" shall be deemed to refer to public displays of Vintage Vehicles and shall include antique car shows within or without this state. The term "tours" shall be deemed to be an organized trip comprised of several Vintage Vehicles to a predetermined location(s). The term "parades" is deemed to be a public procession on a festive or ceremonial occasion.

(2) The Department of Revenue considers the following activities by an owner or operator of a vehicle displaying a Vintage Vehicle license plate to be outside the criteria of legal use and in conflict with the provisions of Section 40-12-290, et seq., as amended:

(a) The use of the Vintage Vehicle license plate on a vehicle that is being driven to school, to work, shopping, etc.

(b) The use of a vehicle displaying a Vintage Vehicle license plate in any type commercial enterprise.

(c) The use of Vintage Vehicle license plate on a bus (with or without passenger seats), even if privately owned and operated. Also, Section 40-12-290 does not authorize use on trailers, ambulances, taxis, or any other type vehicle not specifically identified in this section.

(3) Section 40-12-290(d) contains the following phrase: "which weighs not more than 26,000 pounds gross weight." The Vintage Vehicle license plate may be properly used on a truck or truck tractor having a manufacturers gross weight rating over 26,000 pounds, if the actual weight of the vehicle does not exceed 26,000 pounds (including driver, and any passengers). The 26,000-pound limitation is not applicable to fire trucks registered with Vintage Vehicle license plates.

(4) Under the provisions of Section 40-12-290, county license plate issuing officials may not issue or transfer antique license plates after September 30, 1996, and, beginning

October 1, 1997, all antique license plates become invalid. Owners of vehicles to whom antique license plates were properly issued (or transferred) prior to October 1, 1996, may continue to operate the vehicles in accordance with Regulation No. 810-5-1-.215.01 during the period October 1, 1996 through September 30, 1997.

(5) Under Section 40-12-290(4), an owner of a vehicle displaying an antique license plate may, beginning October 1, 1996, exchange said license plate in favor of the Vintage Vehicle license plate, if the vehicle is at least 30 years old, and is operated within the provisions of the Vintage Vehicle law. In that this subsection uses the phrase "without payment," the county issuing officials shall not charge the authorized registration fees, ad valorem taxes or issuance fees. The exchange provisions established by this subsection are not applicable to owners of vehicles who acquire standard or other distinctive license plates; and such owners acquiring standard or other distinctive license plates shall not be required to surrender their antique license plates. The exchange provisions authorized under this section are valid during the period October 1, 1996 through September 30, 1997; after that date, antique plates may not be exchanged because credit can not be given for an invalid license plate. The exchange provisions are not mandatory; a registrant may elect to retain the antique license plate as a keepsake, and pay the established fee for a Vintage Vehicle license plate.

(6) An ad valorem tax lien attached on October 1, 1996, to all vehicles previously registered as Antique Vehicles and which do not qualify to receive Vintage Vehicle license plates. Section 40-12-293, Code of Alabama, 1975, provides that vehicles registered with Vintage Vehicle license plates shall be exempt from ad valorem taxation. Vehicles in excess of 30 years of age which are not registered with Vintage Vehicle plates will be subject to ad valorem taxation.

(7) October 1 shall be considered as the beginning of a new model year for vehicles registered as Vintage Vehicles. For example, on October 1, 1996, a 1967 year model vehicle will qualify for Vintage Vehicle license plates; on October 1, 1997, a 1968 year model qualifies, etc.

(8) In issuing the Vintage Vehicle license plates, county issuing officials are to collect the \$10.00 registration fee, the issuance fee, any applicable penalty or interest charges due, and any ad valorem taxes due. As provided in Section 5 above, anyone exchanging an antique license plate may be issued the Vintage Vehicle license plate "without payment."

(9) Anyone seeking to transfer a Vintage Vehicle registration into his/her name must provide proof of ownership, must certify that the vehicle continues to qualify as a Vintage Vehicle; and will be used in accordance with the provisions of the Vintage Vehicle Law (Section 40-12-290 et seq.), pay the appropriate transfer fee and any casual sales tax due; and, must request the transfer within the time specified in Section 40-12-260, Code of Alabama 1975, as amended, or be subject to the transfer penalty.

(10) Vehicles manufactured in the United States before 1954 may not have vehicle identification numbers, and thus are to be registered using the vehicle's motor number.

(11) Applicants will complete an application (form #MVR 40-12-290), in which the vehicle owner certifies that he/she is the true owner of the vehicle, the vehicle description is accurate, the identification number is correct, the vehicle meets the requirements within Section 40-12-290 to obtain the Vintage Vehicle license plate, and, if applicable, the owner is exchanging an antique license plate as a credit to obtain the Vintage Vehicle license plate. Additionally, the person(s) seeking to register the vehicle may be required to prove ownership by providing such documents as a bill of sale, a motor vehicle registration in the registrant's name, or a previously issued insurance policy for the vehicle in the applicant's name.

(12) Under Section 40-12-290(d), to qualify as a Vintage Vehicle, the vehicle must have "the original or substantially similar vehicle body, chassis, engine, and transmission as designated for that make, model, year, and age vehicle." The Department interprets this language to require that the vehicle must have either the original parts and engine, or must have the vehicle or vehicle parts restored to the point that the vehicle/parts appear to be the original vehicle. The vehicle must not have been

shortened/lengthened/raised/lowered from its original size when manufactured. Furthermore, this subsection does not authorize the issuance of Vintage Vehicle license plates to vehicles with mechanical parts and accessories of a later year model vehicle. For example, a 1928 "Model A" Ford does not have a high performance engine, mag tires, and advanced stereo equipment. Also, "replica" or "kit cars," which are generally fiberglass reproductions of earlier year model vehicles, do not qualify for Vintage Vehicle license plates.

(13) In the event the Vintage Vehicle license plate becomes faded or mutilated, or otherwise difficult to read, or is lost or stolen, the owner shall apply for a replacement Vintage Vehicle license plate, which shall be issued from the inventory of Vintage Vehicle license plates maintained by the county issuing officials. The vehicle owner shall pay the replacement fee provided under Section 40-12-265, Code of Alabama, 1975, and shall surrender the faded or mutilated Vintage Vehicle license plate.

(14) When issuing standard license plates to a vehicle owner convicted of violating the Vintage Vehicle Law, the issuing official shall not allow credit for any registration fee paid by the registrant when obtaining the Vintage Vehicle license plate. Additionally, the issuing official shall collect registration fees, plus penalty and interest charges, from the date that the Vintage Vehicle license plate was issued; provided, that the maximum liability for prior registration fees may not exceed three years. Officials shall also collect ad valorem taxes as if the vehicle owner had not previously qualified for an ad valorem exemption upon obtaining the Vintage Vehicle license plate.

(15) In the event that someone, having obtained Vintage Vehicle license plates, decides that he/she wants to begin using the vehicle in the same manner as a vehicle displaying standard license plates, the owner may, prior to such use, obtain the standard license plates by paying the appropriate registration fee to their designated renewal month, and display the standard license plate on the vehicle. In such cases, it will be necessary to surrender the Vintage Vehicle license plate, provided, the owner shall not receive a credit against the standard license plate for fees paid for the Vintage Vehicle license plate. Ad valorem taxes will begin accruing at the time that the standard license plates are obtained. (Authority: Sections 40-12-290 and 40-12-293 Code of Alabama, 1975) (Effective March 3, 1997.)

810-5-1-.215.01. Antique License Plates.

(1) In accordance with Section 40-12-290, Code of Alabama 1975, an Alabama resident owning a motor vehicle which is more than 25 years old may register the vehicle with an antique license plate "in lieu of regular motor vehicle license plates or tags." The Department of Revenue considers the phrase "in lieu of regular motor vehicle license plates or tags" to refer to private passenger automobiles or trucks and not to motor vehicles being used in a commercial enterprise (ie. taxis, delivery trucks, gravel trucks).

(2) The Department of Revenue considers that a semi-modified motor vehicle does not qualify for an antique license plate. Thus, the owner of a motor vehicle where the body or the motor has been materially modified or changed does not qualify for an antique license plate. Likewise, the owner of a motor vehicle to whom an antique license plate has been issued who subsequently modifies or changes the body or motor of the vehicle must surrender the antique license plate and obtain standard license plates. However, the owner of a qualified vehicle may make necessary repairs or replace worn out parts so long as it does not materially change or modify the composition of the vehicle itself as a vehicle twenty-five (25) years old or older.

(3) In order to receive an antique license plate, an application for same must be forwarded to the Department of Revenue accompanied by the ten (\$10.00) dollar registration fee. Payment must be in certified funds (cash, cashier's check, money order, or certified check). The applicant is required to provide proof of payment of sales or use tax as required by state law.

(4) Anyone convicted of obtaining/displaying of an antique license plate in violation of this rule shall be subject to the sanctions imposed under Section 32-5-311. (Authority: 40-12-294, Code of Alabama, 1975) (Adopted April 25, 1990)

810-5-1-.216. Uses and Transferability of Special Tags Issued to Members of the Alabama Association of Rescue Squads, Inc..

(1) WHEREAS, Section 32-6-170 provides that special tags be issued to members of volunteer Rescue Squads who are member squads of the Alabama Association of Rescue Squads, Inc. and WHEREAS, the special tags are issued to the individual and not to the vehicle the following procedures are hereby adopted.

(2) The distinctive license plates issued under this division shall not be transferable as between motor vehicle owners, and in the event the owner of a vehicle bearing such plates shall be retained by the owner to whom issued and by him returned to the Judge of Probate or License Commissioner of the county who shall receive and account for same in the manner stated below. In the event such owner shall acquire by purchase, trade, exchange or otherwise a vehicle for which no standard plates have been issued during the current license year, the Judge of Probate or License Commissioner of the county shall, upon being furnished by the owner thereof proper certification of the acquisition of such vehicle and the payment of the motor vehicle of the distinctive license plates previously purchased by such owner, which plates shall authorize the operation of said vehicle for the remainder of the then current license year. In the further event the owner of such distinctive plates shall acquire by purchase, trade, exchange or otherwise a vehicle for which standard plates have been issued during the current license year, the Judge of Probate or License Commissioner shall upon proper certification of such owner and upon delivery to such official of the standard plates previously issued for such vehicle, authorize the owner of such newly-acquired vehicle to place the distinctive plates previously purchased by him upon such vehicle and to use same thereon for the remainder of the then current license year. Such notice of transfer of ownership shall be made of record by the Judge of Probate or the License Commissioner.

(3) Any person acquiring by purchase, trade, exchange or otherwise any vehicle formerly bearing such distinctive plates shall be authorized, upon certification of such fact to the Judge of Probate or License Commissioner of the county and the payment of the fee now required by law, to purchase standard replacement plates for such vehicle which shall authorize the operation of such vehicle by the new owner for the remainder of the license year. (Adopted August 6, 1982) (Authority: §40-2-11, §32-6-172, §40-12-272)

810-5-1-.217. Uses and Transferability of Special Distinctive Tags Issued to Members of Shrine Motorcycle Clubs, Corps, or Units.

(1) WHEREAS, Section 32-6-190 provides that special tags be issued to Shrine motorcycle clubs, and corps and units and WHEREAS, the special tags are issued to the individual and not to the vehicle the following procedures are hereby adopted.

(2) The distinctive license plates issued under this division shall not be transferable as between motor vehicle owners, and in the event the owner of a vehicle bearing such distinctive plates shall sell, trade, exchange or otherwise dispose of same, such plates shall be retained by the owner to whom issued and by him returned to the Judge of Probate or License Commissioner of the county who shall receive and account for same in the manner stated below. In the event such owner shall acquire by purchase, trade, exchange or otherwise a vehicle for which no standard plates have been issued during the current license year, the Judge of Probate or License Commissioner of the county shall, upon being furnished by the owner thereof proper certification of the acquisition of such vehicle and the payment of the motor vehicle license tax due upon such vehicle,

authorize the transfer to said vehicle of the distinctive license plates previously purchased by such owner, which plates shall authorize the operation of said vehicle for the remainder of the then current license year. In the further event the owner of such distinctive plates shall acquire by purchase, trade, exchange or otherwise a vehicle for which standard plates have been issued during the current license year, the Judge of Probate or License Commissioner shall upon proper certification of such owner and upon delivery to such official of the standard plates previously issued for such vehicle, authorize the owner of such newly-acquired vehicle to place the distinctive plates previously purchased by him upon such vehicle and to use same thereon for the remainder of the then current license year. Such notice of transfer of ownership shall be made of record by the Judge of Probate or the License Commissioner.

(3) Any person acquiring by purchase, trade, exchange or otherwise any vehicle formerly bearing such distinctive plates shall be authorized, upon certification of such fact to the Judge of Probate or License Commissioner of the county and the payment of the fee now required by law, to purchase standard replacement plates for such vehicle which shall authorize the operation of such vehicle by the new owner for the remainder of the license year. (Adopted August 6, 1982) (Authority: §40-2-11, §32-6-190, §40-12-272)

810-5-1-.218. Design and Transferability of Distinct License Tags Issued to Disabled Veterans.

(1) WHEREAS, Code of Alabama 1975, Section 40-12-244 and Section 40-12-254 provide for free tags to be issued to disabled veterans, and WHEREAS, Code of Alabama 1975, Section 32-6-130, provides for a distinctive tag to be issued to disabled veterans who meet the qualifications set forth under this section for a fee of \$5.00, and (2) WHEREAS, Act No. 81-933 of the First Special Session of the 1981 Alabama Legislature provides that all disabled veterans' tags be of a certain distinctive color, the following procedures are hereby adopted.

(3) Any disabled veteran tag issued under the provisions of any of the above referred to sections of the Code of Alabama 1975 shall be a distinctive tag manufactured in accordance with the provisions set forth in Act No. 81-933 which are; the left half of the tag will be red with the words "Disabled Veteran" printed thereon. The right half of the tag will be blue with the sequential numeral of the tag printed thereon, as prescribed by the Department of Revenue. All letters and numerals shall be white.

(4) Section 32-6-130 provides a distinctive tag to be issued to disabled veterans who are a resident of this state and who are suffering a physical disability which requires that any motor vehicle he operates be equipped with special mechanical control devices or whose physical disability exceeds 50 percent for a fee of \$5.00. Additional distinctive tags may be purchased by the disabled veteran under this section by the payment of the \$5.00 fee for each additional tag so desired.

(5) Under the provisions of Section 40-12-254 a disabled veteran who owns a vehicle, which has been all or partly paid for with funds furnished by the administrator of Veterans Affairs may obtain one free tag. or If a disabled veteran, who was an Alabama resident at the time of entering service, and who is still an Alabama resident at the time of applying for a free tag, and does not qualify under the provisions of Section 40-12-254, he may obtain one free tag under the provisions of Section 40-12-244.

(6) No disabled veteran shall be issued more than one free distinctive tag.

(7) The distinctive license plates issued under this division shall not be transferable as between motor vehicle owners, and in the event the owner of a vehicle bearing such distinctive plates shall sell, trade, exchange or otherwise dispose of same, such plates shall be retained by the owner to whom issued and by him returned to the Judge of Probate or License Commissioner of the county who shall receive and account of same in the manner stated below. In the event such owner shall acquire by purchase, trade, exchange or otherwise a vehicle for which no standard plates have been issued during

the current license year, the Judge of Probate or License Commissioner of the county shall, upon being furnished by the owner thereof proper certification of the acquisition of such vehicle and the payment of the motor vehicle license tax due upon such vehicle, authorize the transfer to said vehicle of the distinctive license plates previously purchased by such owner, which plates shall authorize the operation of said vehicle for the remainder of the then current license year. In the further event the owner of such distinctive plates shall acquire by purchase, trade, exchange or otherwise a vehicle for which standard plates have been issued during the current license year, the Judge of Probate or License Commissioner shall upon proper certification of such owner and upon delivery to such official of the standard plates previously issued for such vehicle, authorize the owner of such newly-acquired vehicle and to use same thereon for the remainder of the then current license year. Such notice of transfer of ownership shall be made of record by the Judge of Probate or the License Commissioner.

(8) Any person acquiring by purchase, trade, exchange or otherwise any vehicle formerly bearing such distinctive plates shall be authorized, upon certification of such fact to the Judge of Probate or License Commissioner of the county and the payment of the fee now required by law, to purchase standard replacement plates for such vehicle which shall authorize the operation of such vehicle by the new owner for the remainder of the license year. (Adopted August 10, 1982) (Authority: §40-2-11, §32-6-131, §40-12-272)

810-5-1-.219. Design, Placement and Proper Use of Monthly and Annual Decals.

(1) Section 32-6-60, Code of Alabama, 1975, (as amended) provides for a tab, disc or other device suitable for attaching to said motor vehicle tags or license plates and shall be issued upon the payment of the annual license tax and the satisfaction of all other registration requirements as prescribed by law.

(2) After the requirements for registration have been met, the Department of Revenue shall issue either one or two decals to be affixed to a license plate which was required to be revalidated by decal(s). The decal(s) will indicate the month assigned for registration and the validation year.

(3) In order for the Department of Revenue to be uniform in the implementation and administration of Section 32-6-61 of the Code of Alabama 1975, all apportioned license plates which are issued "single" decals shall have the decal affixed to the right decal pocket of the license plate. All other license plates which are required to be revalidated by decals shall have their assigned "month" decal affixed to the left decal pocket and their assigned "year" decal affixed to the right decal pocket. (Adopted September 21, 1994) (Authority: §§40-2-11 and 32-6-65, Code of Alabama, 1975)

810-5-1-.220. Medal of Honor Winners and Prisoners of War Distinctive Tags, Replacement of.

(1) WHEREAS, Act No. 81-699 of the 1981 Regular Session of the Alabama Legislature, and Act No. 82-571 of the 1982 Regular Session of the Alabama Legislature provides a free and distinctive license plate to residents of Alabama who are Medal of Honor recipients and to residents of Alabama who were former Prisoners of War, and

(2) WHEREAS, these distinctive license plates are provided to the recipients for life, the following procedure is hereby adopted.

(a) In the event a recipient has a license plate, which becomes mutilated to the extent that it loses its identity, the Department of Revenue shall have a replacement license plate manufactured identical to the license plate so mutilated and forward to same to the Probate Judge or other county official of the recipient's county of residence, who is authorized by law to issue license plates. The recipient will then surrender the mutilated tag to the issuing authority who will, upon receipt of same, issue the replacement tag to

the recipient. The issuing authority will forward the mutilated tag to the Revenue Department, Motor Vehicle and License Tax Division, for destruction. (Adopted August 10, 1982) (Authority: §40-2-11, §32-6-255)

810-5-1-.221. Re-registration and Penalty Dates Under Staggered Registration Law.

(1) Section 32-6-61, Code of Alabama, 1975, (as amended), provides that all private passenger vehicles and pickup trucks of 12,000 pounds and under, license plates issued on a staggered registration basis shall expire on the last day of the month which precedes the month assigned for the purchase or renewal of license registration. This Section further provides that all license plates issued to motor vehicles for which licensing, registration and taxation are due in October and November shall expire on September 30.

(2) Section 32-6-65(b), Code of Alabama, 1975, (as amended), dealing with penalties, reflects a slight contradiction to the provision cited above in Section 32-6-61 with the provision: "Licenses shall be renewed at anytime during the month of expiration."

(3) In order to clearly define the dates for the expiration of licenses and for the date penalties are to be imposed for the failure to renew the registration to a motor vehicle, the penalties shall be assessed from the last day of the month assigned by law for the renewal of registration under the staggered registration system. If the last day of the month falls on Saturday, Sunday, or a holiday, the next working day shall be provided for registration without penalty.

(4) Since ad valorem tax cannot be collected in advance, and since ad valorem tax is an integral part of motor vehicle registration, and a prerequisite to the issuance of license plates, the dates of expiration provided in Section 32-6-61 are provided solely for the computation of prorated ad valorem tax and registration license fees. (Adopted August 10, 1982) (Authority: §40-12-272, §32-6-64)

810-5-1-.222. Distinctive License Plates Issued to the Licensee Not Transferable Unless Plate is Qualified Distinctive Type.

(1) "The Alabama Uniform Certificate of Title and Antitheft Act", within Sections 32-8-48 and 32-8-87, Code of Alabama, 1975, (as amended), requires the surrender of the motor vehicle license plates on vehicles to be scrapped, dismantled or destroyed by an owner or on motor vehicles declared to be a "total loss" as defined in Section 32-8-87.

(2) These sections of law do not apply to "distinctive" motor vehicle license plates considered by law and by the Department of Revenue to be issued to the person by special qualifications, which license plates are not transferrable between persons.

(3) The distinctive license plates issued to the owner and not to the motor vehicle which has been scrapped, dismantled, destroyed or declared a total loss shall be removed by the person to whom it was issued and, subsequently, delivered to the Probate Judge or other county official authorized and required by law to issue license plates. The licensing official shall re-assign this license plate to a replacement motor vehicle upon payment of applicable fees. (Adopted August 10, 1982) (Authority: §§40-2-11, 40-12-272, 32-8-3(a)(2))

810-5-1-.223. Off-the-Road Equipment - Definitions and Exemptions.

(1) WHEREAS, Section 40-12-240, sub-section 19, Code of Alabama 1975, defines the term "truck" as every self-propelled motor vehicle designed and used primarily for the transportation of property in or upon its own structure, every self-propelled motor vehicle of the types known as "campers" and "house cars" and every vehicle of the type commonly called a wrecker, which is used to move disabled motor vehicles for repair, storage and other purposes, and

(2) WHEREAS, Section 40-12-251, Code of Alabama 1975, "motor tractors" provides for each motor tractor used on the highways of this state there shall be paid a license or privilege tax of \$100.00; provided, however, that this license shall not be collected for a tractor when run on a highway to be transferred from one point to another for use on a farm with or without a "small trailer" or with or without a "semi-trailer," or when used on the highway for transferring what is commonly known as a "portable sawmill" or a "well-boring outfit," or when used on the highway by a farmer for the purpose of transporting to and from his farm farm products or products to be used on his farm, and

(3) WHEREAS, there are continuing questions arising as to what constitutes what is commonly referred to as "off-the-road equipment" the following regulation is hereby adopted.

(4) In addition to those exemptions contained in Section 40-12-251 the term "off-the-road equipment" shall include machines occasionally moved on highways from one job site to another, but not designed to transport property over the highways, and are not subject to the requirements for licensing as a motor vehicle. (Ref. Attorney General Opinion December 2, 1974 "Off the Road Vehicles") (Adopted August 11, 1982) (Authority: §§40-2-11, 40-12-272)

810-5-1-.224. Fee Requirement for Certain Special Tags.

(1) WHEREAS, certain tags are issued to individuals free of the regular tag fees, and WHEREAS, some of these individuals desire to purchase "special" tags (Example; Amateur Radio, Personalized, etc.), which tags required an additional fee, the following procedure is hereby adopted.

(2) Any individual, who is entitled to the free regular tag fees for passenger cars and pickups up to 8,000 pounds, who wishes to purchase a "special" tag may do so by paying the additional fee required under the specific section providing for such tag, if purchased on an annual basis (Example: \$3.00 for the Amateur tag or \$50.00 for the Prestige tag).

(3) If purchased on a monthly declining basis, only the appropriate number of months fees shall be credited and collected to license the individual's vehicle to his month of renewal. (Adopted August 12, 1982) (Authority: §§40-2-11, 40-12-272, 32-6-71, 32-6-91, 32-6-131, 32-6-218)

810-5-1-.225 Handicapped Parking Privileges - Evidence of Qualifications and Enforcement Procedures.

(1) Handicap Parking Credentials. Evidence of qualification shall be either a removable windshield placard or a temporary removable windshield placard as shown in 23CFR § 1235 (1991), or the handicap license plate as provided in Section 40-12-300, Code of Alabama 1975. The removable windshield placards or temporary removable windshield placards shall be designed in accordance with 23CFR § 1235.2 [d] and [e].

(2) Credentials issued prior to January 1, 1997. The handicap decal issued in accordance with the provisions of Section 32-6-230, et seq., Code of Alabama 1975, shall not be issued after December 31, 1996, and shall not be recognized as a valid handicapped parking credential after December 1, 1997. Also, any handicap license plate issued under the provisions of Section 40-12-300, et seq., prior to January 1, 1997, shall not be revalidated on or after January 1, 1997. Furthermore, any handicap placard or handicap license plate issued prior to January 1, 1997, becomes null and void after December 1, 1997. Any decal issued by a military installation, municipal government, or eleemosynary institution shall not be recognized as a valid handicap parking credential.

(3) Re-issuance of Handicap Parking Credentials. Effective January 1, 1997, county license plate issuing officials shall accept completed applications (Form MVR:32-6-230-"Application for Handicapped Parking Privileges") from persons with disabilities (and from

organizations transporting persons with disabilities - see paragraph (10) below) for handicap license plates and/or removable windshield placards or temporary removable windshield placards. Counties will no longer accept Form MVR:81-695 as their authority to issue handicapped parking credentials. Upon presentation of the Application, the issuing authority shall verify that the Application has been properly completed (see paragraph (4) below) by the person with disabilities and by the Physician. When issuing removable windshield placards, the issuing authority shall indicate in the designated space the number shown on the placard, or the handicap license plate number, or both, and the fees collected. The fee shall be \$1.25 per removable windshield placard issued.

(4) Qualifications to receive Handicap Parking Credentials. To qualify for handicap credentials, the person with disabilities (or their legal guardian) must have the following portions of the Application (Form MVR:32-6-230) completed:

- (a) Name of the person with disabilities,
- (b) Street and mailing address of the person with disabilities,
- (c) Telephone number of the person with disabilities,
- (d) Designation of the type(s) of handicapped parking credentials requested,
- (e) The signature of the person with disabilities (or of their legal guardian) and date signed.

Furthermore, the "Physician's Certification" portion of the Application must be completed prior to the presentation of the Application to the county license plate issuing official. The physician shall:

1. Certify if the disability is long-term or a temporary disability,
2. If a temporary disability, the physician shall specify the length of the disability (not to exceed six months),
3. The physician shall provide his/her telephone number, and give his/her city, and state where licensed,
4. The physician shall check the disability or disabilities in the "Requirements" portion of the Application to indicate which criteria the person with disabilities is qualified under the federal regulations to receive handicap parking credentials. In signing the Application the physician shall certify that the person with disabilities meets the criteria shown under 23CFR §1235.2[b](1991); to wit, "Persons with disabilities which limit or impair their ability to walk means persons who, as determined by a license physician:
 - (i) Cannot walk two hundred feet without stopping to rest; or
 - (ii) Cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
 - (iii) Are restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or
 - (iv) Use portable oxygen; or
 - (v) Have a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; or
 - (vi) Are severely limited in their ability to walk due to an arthritic, neurological, or orthopedic condition."
- (5) Display of Placards. The placards issued prior to January 1, 1997 should be displayed in the right rear window of the vehicle visible to the street where possible and if not possible, displayed on the front dash of the vehicle and visible to the street, if possible. Removable windshield placards issued beginning, January 1, 1997, shall "be displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard." {23CFR §1235.4[c](1991)} It is NOT required that a

motor vehicle being used by a person with disabilities display both the handicap license plate and the placard.

(6) Additional placards. Many persons with disabilities, as defined under 23CFR §1235.2[b] (1991) (see paragraph (4)(e)4. above), do not own a motor vehicle; therefore, in accordance with 23CFR §1235.4[a] (1991), such individuals may request one (1) additional removable windshield placard [note that this extra placard is applicable only to persons with disabilities that do not have the distinctive handicap license plate(s)].

(7) When credentials may be used. A motor vehicle may be parked in a handicap parking space only when the vehicle is then being used to transport or is being operated by, the person with disabilities to whom the handicap license plate and/or placard was issued; provided, that an organization qualified under paragraph (10) of this rule, and displaying the distinctive handicap license plate may also park in a designated handicap parking space when being used to transport persons with disabilities.

(8) "Temporarily handicapped individual" defined - Physician determination of length of issuance. In accordance with 23CFR §1235.5[b] (1991), the definition of "temporarily handicapped individual" found in Section 32-6-230 shall not be used, and the following definition shall be used: any person having a temporary (for a period up to six months) disability as defined in 23CFR §1235.2[b] (1991) (see paragraph (4)(e)4. above). The licensed physician shall, on the Form MVR: 32-6-230 - "Application for Handicapped Parking Privileges," provide the beginning and ending dates for the temporary removable windshield placard to be valid, not to exceed six months from the date of issuance. The county license plate issuing official shall exercise care in issuing the temporary removable windshield placard as to not issue a temporary removable placard valid for a period of time exceeding that authorized by the licensed physician as shown on the "Application for Handicapped Parking Privileges."

(9) Periodic Renewal of Removable Windshield Placards. Removable windshield placards and handicap license plates issued under the provisions of this regulation shall, in accordance with 23CFR §1235.4[a] (1991), be subject to "periodic renewal," which is to be based on the five (5) year renewal cycle for standard passenger/pickup truck license plates as provided under Section 32-6-61, Code of Alabama 1975. For example, any person with disabilities whose first letter of their last name begins with the letters "A" or "D" will be issued a placard expiring in the same designated renewal month that the following five year passenger series will be issued (such as January 2002 in this example).

(10) Recertification. Upon expiration, the person with disabilities would be required to reapply by obtaining a completed "Recertification for Handicapped Parking Privileges" (Form MVR: 32-6-230 [A], signed by the person with disabilities to whom the previous removable windshield placard was issued, which is to be provided to the county license plate issuing official before a new removable windshield placard, or handicap license plate shall be issued. However, the Commissioner may elect to require all persons with disabilities to be recertified by a licensed physician (using Form MVR:32-6-230) before handicapped parking credentials may be re-issued.

(11) Fee for Issuance of Removable Windshield Placards/Replacement Placards. The county license plate issuing official shall charge the \$1.25 issuance fee provided by law for issuing motor vehicle license plates/revalidation decals when issuing the removable windshield placard or temporary removable windshield placard, which fee shall be retained by the county and deposited into the county treasury. In the event that the placard is lost or stolen, or becomes mutilated, a replacement placard may be issued upon application to the county license plate issuing official, and completion of the replacement placard affidavit on the reverse of the "Application for Handicapped Parking Privileges" and payment of the appropriate issuance fee.

(12) Issuance procedures/maintenance of Application Forms. In issuing the removable windshield placards, the counties shall record on Form #MVR:32-6-230 the issued placard number. This form shall be maintained by the issuing official for audit by the Examiners of Public Accounts, and in order to provide information to law enforcement agencies inquiring as to whom the placard was issued; also, the form must be maintained

to be compared with Form #32-6-230(A) when re-issuing handicap parking credentials. Likewise, when re-issuing the removable windshield placard(s) or the handicap license plates, the counties shall record on Form #MVR:32-6-230[A] the newly issued placard number. Counties are to file these forms in placard number sequence in order to be able to advise law enforcement officials as to whom a specific placard was issued.

(13) Manufacturing Fee. In accordance with 23CFR §1235.3[c] (1991) county license plate issuing officials shall not collect the \$3.00 additional manufacturing fee authorized under Section 40-12-300 when issuing the handicap license plates.

(14) Handicap Reciprocity. In accordance with 23CFR §1235.8 (1991) Alabama "shall recognize removable windshield placards, temporary removable windshield placards and special license plates which have been issued by issuing authorities of other states and countries, for the purpose of identifying vehicles permitted to utilize parking spaces reserved for persons with disabilities which limit or impair their ability to walk" for any person with disabilities who is temporarily in this state and who is not required to obtain Alabama license plates.

(15) Misuse of Handicapped Parking Privileges. Anyone parking in handicapped parking spaces with expired removable windshield placards, expired temporary removable windshield placards, or expired handicap license plates, or otherwise violating the Alabama handicap parking laws as provided under Section 32-6-233, shall, upon conviction, be guilty of a Class B misdemeanor as provided in Section 32-6-233, Code of Alabama 1975.

(16) Obtaining of Handicap License Plates by Organizations or Governmental Entities. 23CFR §1235.3[b] (1991) reads that, "Upon application of an organization, each state shall issue special license plates for the vehicle registered in the applicant's name if the vehicle is primarily used to transport persons with disabilities which limit or impair their ability to walk. The application shall include a certification by the applicant, under criteria to be determined by the state, that the vehicle is primarily used to transport persons with disabilities which limit or impair their ability to walk." Accordingly, effective January 1, 1997, the distinctive handicap license plates may be issued to nursing homes, commissions on aging, special schools for persons with disabilities, and similar organizations when an official of the organization certifies on the "Application for Handicapped Parking Privileges" under the "Organizations Only" portion that the vehicle is being primarily used to transport persons with disabilities (note that the "Physician's Certification" portion of the Application is NOT to be completed by the Organization). If county license plate issuing officials have reservations regarding the issuance of handicap license plates to an organization, the official may request, in writing, from the organization a description of the mission, purposes, etc. of the organization, and how the vehicle is to be, or is being used. Such organizations may recertify upon expiration of the handicap license plates by completing Form MVR: 32-6-230(A). If the organization is a state, county or municipal governmental entity, which requires governmental license plates under the provisions of Section 40-12-250, Code of Alabama 1975, said governmental agency may request the Department of Revenue to issue governmental license plates containing the International Symbol of Access. Law enforcement agencies shall honor the parking privileges of these organizations displaying license plates with the International Symbol of Access issued pursuant to this section, unless it is determined that the vehicles displaying the handicap license plates are not being properly used.

(17) Handicap Motorcycle License Plates. Any person with disabilities who owns and operates a motorcycle may choose to secure a distinctive handicap motorcycle license plate for his motorcycle(s). The plate shall contain the International Symbol of Access in accordance with the federal regulations. As with standard handicap license plates, the registrant shall pay standard registration fees. Anyone qualifying under provisions of this regulation for handicap parking credentials may surrender their current and valid standard motorcycle license plate in favor of the handicap motorcycle license plate.

(18) License Physician Defined. The term "licensed physician" as used in this regulation shall be deemed to mean a doctor of medicine or a doctor of osteopathy licensed to practice medicine or a person employed by the U.S. government as a doctor of medicine

or doctor of osteopathy to practice medicine. (Authority: §40-2A-7(a)(5), Code of Alabama 1975) (Amended September 17, 1997, effective date October 22, 1997.)

810-5-1-.226. Department Requirements for Accurate Registration Information.

(1) WHEREAS, the Department of Revenue, Motor Vehicle and License Tax Division, is required by law to maintain accurate motor vehicle registration records by license tag number, and WHEREAS, the uniform registration and transfer receipts received from the counties are being altered in the space for current year tag number to include letters, numbers and information other than the actual current tag number.

(2) This information causes confusion and problems for data entry operators and causes erroneous letters and numbers to be entered into the computer network resulting in the inability for the Revenue Department, law enforcement officers and others to retrieve information from the actual tag number which appears on a motor vehicle; therefore, the following procedures are hereby adopted:

(a) REGULAR PLATES - All motor vehicle registration and transfer receipts for regular license plates shall not include any information in the space provided for current license number except the actual numbers and letters which appear on the tag. Also, there shall be no 0's or any other characters used for spacing. The current license number shall include no more nor no less information than the number appearing on the license plate.

(b) SPECIAL PLATES - All motor vehicle registration and transfer receipts for motor vehicles issued special license plates shall include a special prefix in the space for current year tag number for abbreviation purposes or to identify the special registration. These are as follows (special prefix underscored):

1. Antique Vehicle: AV, plus actual plate number
2. Consular Official: CON, plus actual plate number
3. Disabled Veterans: DV, plus actual plate number
4. National Guard, NG, plus actual plate number
5. Shrine Motorcycle: SHM, plus actual plate number

(c) All other special license plate numbers shall appear on the registration and transfer receipt in the space for current year tag number identical to the number as shown on the license plate. (Adopted August 17, 1982) (Authority: §§40-2-11, 40-12-272)

810-5-1-.227. The Issuance of Temporary License Tags/Registration Certificates by Dealers or Manufacturers of Mobile Homes, Trailer Coaches, Travel Trailers or House Trailers, and by Dealers Appointed by the Department of Revenue as Designated Agents (Other than Probate Judges).

(1) For the purposes of this regulation, each reference to "agent" shall apply to manufacturers or dealers of mobile homes, trailer coaches, travel trailers, or house trailers who have qualified under the provisions of Section 32-6-212 to issue temporary license tags and registration certificates in accordance with Act 79-817. Furthermore, the term "agent" shall include motor vehicle dealers who have been appointed as "designated agents" as defined in Section 32-8-2 who elect to issue temporary tags and registration certificates. For purposes of this regulation the term "agent" shall not include Probate Judges or License Commissioners.

(2) Each agent will obtain temporary tags and registration certificates from the Department of Revenue, Motor Vehicle Division. Agents shall remit a fee of \$2.25 for each temporary tag requested.

(3) The Department, upon receipt of the remittance, shall forward the temporary tags to the agent. Furthermore, the Department will be responsible for the distribution of the portion of the \$2.25 fee which accrues to the county where the temporary tag is issued.

(4) If an agent deems it necessary to void a temporary tag(s) a credit should be claimed when ordering subsequent temporary tags. All voided temporary tags and registration

certificates for same shall be forwarded to the Department of Revenue, Motor Vehicle Division, by the close of business the next business day.

(5) If an agent should decide to cease the issuing of temporary tags, all unissued tags must be returned to the Department of Revenue, Motor Vehicle Division, and an application for refund for fees previously paid may be filed with the Department.

(6) The agent, upon issuing of a temporary tag, shall forward the original copy of the registration certificate to the Department of revenue, Motor Vehicle Division, by the close of business the next business day in accordance with Section 40-12-258, Code of Alabama 1975.

(7) Agents, in issuing temporary tags, shall print, in ink, complete information as to vehicle ownership, make, model, vehicle identification numbers and date of issuance. Any erasures or other alterations of the information required on a temporary tag or registration receipt will render it void, and of no value to the person or vehicle described thereon.

(8) Temporary tags are to be displayed by the purchaser in the rear window of the vehicle for which it was purchased. If secured for a commercial vehicle, the temporary tag is to be posted in a location conspicuous to law enforcement officers, for example, in the normal tag frame for a mobile home. (Alabama Dept. of Revenue Motor Vehicle Division, Robert B. McCain; adopted September 7, 1983; effective date October 14, 1983.) (Authority: §32-6-218)

810-5-1-.227.01 Issuance of Manufacturer License Plates.

(1) When examining the "Application for Manufacturer License Plates" (Form # MV 40-12-264B), Taxpayer Service Center personnel will check to ascertain if all required data has been provided by the applicant. If information necessary for the issuance of the manufacturer license plates is either missing or illegible, the application shall be returned for completion by the applicant.

(2) Payment to the Taxpayer Service Center for manufacturer license plates shall be by certified funds (money order, cashier's or certified check). Cash will be accepted at the Taxpayer Service Center; currency sent through the mail is deemed to be at sender's risk.

(3) Section 40-12-264(k) provides that manufacturer license plates shall be surrendered upon termination of business. If a corporate entity changes its legal name, the appropriate Taxpayer Service Center shall be notified by the corporation, and a new registration receipt issued which reflects the new name of the corporation.

(4) Any registrant reporting that a manufacturer license plate is lost or stolen shall complete Form # MVR 40-12-264A, and pay the \$2.00 replacement fee provided under Section 40-12-265, Code of Alabama 1975, per replacement manufacturer license plate sought. Also in accordance with Section 40-12-265(b), should the manufacturer license plate reported as lost or stolen be recovered, or come into the possession of the registrant, the registrant must immediately deliver same to the Taxpayer Service Center where issued. Should any person use a manufacturer license plate which was reported as lost or stolen, such person shall be guilty of a misdemeanor, and upon conviction, shall be fined in accordance with Section 40-12-265(a). If a manufacturer license plate(s) is lost in the mail when shipped to the registrant, the appropriate Taxpayer Service Center shall be responsible for issuing replacement manufacturer license plates at no charge; provided, that the registrant shall provide documentation that the license plate(s) was not received.

(5) Any applicant who is denied the issuance of a manufacturer license plate (or the number of manufacturer license plates sought) may appeal the denial to the Administrative Law Judge in accordance with Section 40-2A-8, Code of Alabama 1975, as amended.

(6) In addition to the imposition of the penalties provided in Section 40-12-264(l), anyone found using manufacturer license plates contrary to the provisions of Section 40-12-264 will be subject to arrest and prosecution under the provisions of Section 32-6-65, Code of Alabama 1975.

(7) Section 40-12-264(i), Code of Alabama 1975, provides that the manufacturer license plate shall be "used for transporting and testing new vehicles or manufactured homes owned by the manufacturer." Accordingly, the manufacturer may not loan or convey a manufacturer license plate for any use other than as authorized by said section.

(8) Manufacturer license plates may be issued to motor vehicle manufacturers, to motor vehicle manufacturers' subsidiaries, to manufactured home manufacturers, or to motor vehicle component part manufacturers located in this state who receive from a motor vehicle manufacturer (located within or without this state) motor vehicles that are to be tested by personnel employed by a manufacturer, a manufacturer's subsidiary, or component parts manufacturer located in this state. Use of the manufacturer license plates shall be limited to testing and transporting the motor vehicles, which includes use of the vehicles by the employees and/or authorized representatives of a manufacturer, manufacturer's subsidiary, or component part manufacturer. (Authority: Legislative Act 94-584) (Adopted June 29, 1995)

810-5-1-.227.02. Issuance of Dealer License Plates.

(1) When examining the "Application For Motor Vehicle Dealer's License Plates" (Form # MV 40-12-264), or the "Application for Motorcycle Dealer's License Plates" (Form # MV 40-12-62), Taxpayer Service Center personnel will check to ascertain if all required data has been provided by the applicant. If information necessary for the computation of the number of dealer license plates an applicant is entitled to receive is either missing or illegible, then the application shall be returned for completion by the applicant.

(2) Payment to the appropriate Taxpayer Service Center for dealer license plates shall be by certified funds (money order, cashier's or certified check). Cash will be accepted at the Taxpayer Service Center; currency sent through the mail is deemed at sender's risk.

(3) It shall not be the responsibility of the Taxpayer Service Centers to answer questions regarding whether a particular individual qualifies as a "full-time salesperson" as defined in Section 40-12-240(3), Code of Alabama 1975. An applicant is responsible for listing on the application only those persons meeting the definition of full-time salesperson.

(4) Applicants for dealer license plates should make application on a form provided by the Department of Revenue. The applicant shall provide the following information: business name, business address (physical location), regulatory license number, privilege license number, designated agent number; the form shall be signed by the applicant, indicating the title of the requester and date of application.

(5) Applicants for dealer license plates, who are qualified as motor vehicle dealers as defined in Section 40-12-240(8), shall submit a separate listing of retail motor vehicle sales made during the previous license year (October 1 - September 30). If the applicant sold less than 50 vehicles at retail during the previous license year, the listing must contain a minimum of five (5) retail sales made during the license year. If the applicant sold 50 or more vehicles at retail during the previous license year, the applicant shall submit a listing of at least 50 retail sales made during the previous license year. The listing shall contain the name of the purchaser, model year, make, VIN (vehicle identification number), and date of sale. Applications without the listing shall be returned to the applicant. Provided, that any applicant who began business during the license year is permitted to estimate sales for the upcoming license year, and shall not be required to provide a sales listing.

(6) Applicants for dealer license plates who meet the definition of "motor vehicle wholesalers" in accordance with the definition found in Section 40-12-240(12), Code of Alabama 1975, and who are not also qualified as a motor vehicle dealer, shall submit a

separate listing of wholesale motor vehicle sales made during the previous license year (October 1 - September 30). If the applicant sold less than 50 vehicles at wholesale during the previous license year, the listing must contain a minimum of five (5) wholesale sales made during the license year. If the applicant sold 50 or more vehicles at wholesale during the previous license year, the applicant shall submit a listing of at least fifty (50) wholesale sales made during the previous license year. The listing shall contain the information shown in item #5 above.

(a) The Department of Revenue considers the amendment to Section 40-12-264 contained in Act 95-761 as being applicable to persons or companies who have the majority of their sales as wholesale sales; thus the intent in limiting the maximum number of dealer license plates is not to be construed as limiting the number of dealer license plates a licensed motor vehicle dealer can receive under the provisions of Section 40-12-264(b)(2). Accordingly, any person or company qualified as both a motor vehicle dealer and as a motor vehicle wholesaler shall be issued license plates under Section 40-12-264(b)(1) and (2) if the majority of sales for the previous license year were retail sales. If the majority of sales for the previous license year were wholesale sales, the dealer shall be issued dealer license plates based on the combined retail and wholesale sales under Section 40-12-264(b)(4), as amended. In the event the number of retail and wholesale sales were the same, dealer license plates shall be issued based on the retail sales under Section 40-12-264(b)(1) and (2). Furthermore, a new business will be issued dealer license plates in accordance with the estimate of retail and wholesale sales as herein provided.

(b) Motor vehicle wholesalers qualifying for dealer license plates under Section 40-12-264(b)(4) shall provide the listing of sales made during the previous license year (see section (6) above), and shall clearly indicate whether the sales were wholesale or retail.

(7) Section 40-12-264(k), Code of Alabama 1975, provides that dealer license plates shall be surrendered upon termination of business. If a corporate entity changes its legal name, the appropriate Taxpayer Service Center shall be notified by the corporation, and a new registration receipt issued which reflects the new name of the corporation.

(8) Any registrant reporting that a dealer license plate issued is lost or stolen shall complete Form # MVR 40-12-264A, and pay the \$2.00 replacement fee provided under Section 40-12-265, Code of Alabama 1975, per replacement dealer license plate sought. Also in accordance with Section 40-12-265(b), Code of Alabama 1975, should the dealer license plate(s) which was reported as lost or stolen be recovered or come into the possession of the registrant, the registrant must immediately deliver same to the Taxpayer Service Center where issued. Should any person use a dealer license plate which was reported as lost or stolen, such person shall be guilty of a misdemeanor, and, upon conviction, shall be fined in accordance with Section 40-12-265(a). If a dealer license plate (s) mailed by the Taxpayer Service Center to any registrant is lost in the mail, the replacement dealer license plate(s) shall be issued without the \$2.00 replacement fee; provided, that the registrant shall require documentation that the dealer license plate(s) was not received.

(9) Any applicant who is denied the issuance of a dealer license plate (or the number of dealer license plates sought) may appeal the denial to the Administrative Law Judge in accordance with Section 40-2A-8, Code of Alabama 1975.

(10) In addition to the imposition of the penalties provided in Section 40-12-264(g) and (l), anyone found using dealer license plates contrary to the provisions of Section 40-12-264 shall be subject to arrest and prosecution under the provisions of Section 32-6-65, Code of Alabama 1975.

(11) Section 40-12-264[c] and [d] provide that use of a dealer license plate by a prospective customer shall not exceed 72 hours. In accordance with Section 1-1-4, Code of Alabama 1975, the 72 hour period shall not begin until the close of the business day on which the vehicle/dealer tag is loaned to the prospective customer and shall run 72 consecutive hours from that point.

(12) Section 40-12-264(b)(5) provides that "a licensed motor vehicle dealer who has been in operation less than one year shall provide a reasonable estimate of the number

of motor vehicles to be sold during the current license year and may procure dealer license plates according to the schedule and category for motor vehicle dealers shown above." The Taxpayer Service Center personnel have the authority to review the estimated sales and to adjust the number of sales based on the number of full-time salespersons listed and other appropriate factors.

(13) Section 32-8-87(a), Code of Alabama 1975, discusses the issuance of a dealer transport (DT) license plate to a rebuilder to move a vehicle with a salvage title from repair point to repair point. In accordance with Section 40-12-264(f), a motor vehicle rebuilder may, beginning October 1, 1994, utilize a standard dealer license plate as provided in Act 94-584 to move a vehicle with a salvage title from repair point to repair point.

(14) The Department of Revenue interprets the amendments to Section 40-12-264 contained in Act 96-746 relating to dealer license plates as becoming effective October 1, 1997, as stated in the law. October 1, 1997 is the beginning date for the issuance of the 1998 year commercial license plates.

(15) Section 40-12-264(b) was amended by Act 96-746 to provide for standard dealer license plates to be issued for a maximum period of two (2) years. The Department of Revenue interprets these provisions to require a fee of twenty dollars (\$20) per each standard dealer license plate issued for a period greater than twelve (12) months, and to require a fee of ten dollars (\$10) per each standard dealer license plate issued for a period of twelve months or less. The \$20 fee is determined by adding the \$17 fee provided in subsection (b) with the \$3 fee authorized in subsection (h); the ten dollar (\$10) fee is determined by dividing the twenty dollar fee by two years. No refunds of the fees paid, full or partial, are authorized.

(16) Motor vehicle dealers obtaining dealer license plates on or after October 1, 1997, shall be issued dealer plates based on their total number of retail sales for the most recent license year. Example: A motor vehicle dealer with seven (7) retail sales in the 1998 license year, and four (4) retail sales during the 1999 license year shall not be issued any dealer license plates for the 2000 license year because the prerequisite five (5) retail sales were not made in the 1999 license year.

(17) Under the provisions of Section 40-12-390, et seq., Code of Alabama 1975, if a motor vehicle dealer changes his business to a qualification which authorizes fewer dealer license plates, such as a change from a new or used dealer to a wholesaler, the dealership must, at the time of the lowering of the qualification, surrender the unauthorized license plate(s) to the Taxpayer Service Center that issued the license plate(s). This provision is applicable to qualification changes that occur anytime during the period that the dealership license plates are valid.

(18) All Standard dealer license plates shall, in accordance with the provisions of Section 32-6-61, Code of Alabama 1975, expire on September in each odd numbered year. All standard dealer license plates shall be subject to revalidation in the months of October and November in the same odd numbered year in which the license plates expire. Standard dealer license plates are valid during the designated renewal period as is true with all categories of commercial license plates.

(19) Motorcycle dealer license plates, issued under the provisions of Section 40-12-62, Code of Alabama 1975, shall also be renewed on an annual basis in the months of October and November, upon payment of the \$1 fee per license plate issued. Motorcycle dealer license plates are valid during the designated renewal period as is true with all categories of commercial license plates. (Authority: Sections 40-2A-7(a)(5), 40-12-264, 40-12-62, 32-6-61 and 40-12-390, Code of Alabama 1975) (Adopted through APA June 29, 1995, amended February 23, 1996, amended December 10, 1997.)

810-5-1-.227.03. Dealer/Manufacturer License Plate Violations, Penalties.

- (1) Any person who willfully uses a dealer or manufacturer license plate in violation of subsection "1" of Section 40-12-264, Code of Alabama 1975, as amended, shall be subject to an Alabama Department of Revenue imposed penalty of not less than one hundred dollars (\$100), and not more than three hundred dollars (\$300) for each violation.
- (2) Violations of the use of dealer and manufacturer license plates include, but are not limited to the following:
 - (a) Use of dealer or manufacturer license plates on rental or lease vehicles.
 - (b) Use of dealer or manufacturer license plates on tow trucks and wreckers.
 - (c) Use of dealer or manufacturer license plates on service vehicles.
 - (d) Use of dealer license plates on vehicles which are not in the vehicle inventory of the dealership, or that are not being used in a high school driver education program.
 - (e) Use of the dealer or manufacturer license plates on vehicles not owned by the dealer/manufacturer (including vehicles previously sold by the dealership/manufacturer); provided, that a dealer license plate may be used on a vehicle in cases where the vehicle owner enters into a consignment sales contract with the dealer.
- (3) This penalty shall be applied so that it increases in severity with second and third offenses. For the first offense, the penalty shall be \$100. For the second offense, the penalty shall be \$200. For the third offense, the penalty shall be \$300. For the fourth and subsequent offenses the penalty shall be \$300.
- (4) Anyone to whom the Department levies a penalty under this section may appeal the levy to the Administrative Law Division as provided under Section 40-2A-9. (Authority: Section 40-12-264, Code of Alabama 1975) (Adopted November 4, 1997)

810-5-1-.227.04. Memorandum of Understanding Between the Department of Human Resources and the Department of Revenue.

- (1) The Department of Revenue may allow access into the Department's motor vehicle registration and certificate of title databases to the Alabama Department of Human Resources. The purpose of this access is limited to assisting the Department of Human Resources in carrying out its functions in regard to the Food Stamp, Family Assistance, Medicaid for Low Income Families, and Child Support Enforcement programs.
- (2) The Department of Human Resources agrees to be responsible for the access and dissemination of data by personnel within its department. The Department of Human Resources agrees to require its personnel to sign a Disclosure Statement acknowledging that the use of the data is to be confined solely to the legitimate administration of its programs. Personnel within the Department of Human Resources are to be advised that use of such data for other purposes could be a violation of the federal Driver's Privacy Protection Act; also, that the improper use of the information could constitute a violation of the Alabama Computer Crime Act. (Authority: Section 40-2A-7(a)(5), Code of Alabama 1975) (Adopted through APA effective February 9, 2000.)

810-5-1-.227.05. Financial Institutions Issuance of Temporary License Tags/Registration Certificates.

- (1) The Department of Revenue may, pursuant to Section 32-8-34, Code of Alabama 1975, elect to appoint financial institutions located within this state as designated agents to issue Temporary License Tags/Registration Certificates.
- (2) Financial institutions authorized as designated agents to issue temporary licenses may use the Temporary License Tags/Registration Certificates only on the authorized financial institution's repossessed motor vehicles. Proper use of such tags would be to allow potential purchasers of these vehicles to test-drive or otherwise demonstrate to their satisfaction the suitability of the authorized financial institution's repossessed motor

vehicles. Moreover, the financial institutions may use the temporary tags to move repossessed vehicles to repair locations, or to different locations for the purpose of selling the vehicles (such as to a motor vehicle dealer or auto auction).

(3) The temporary license tag may be issued for any type motor vehicle; however, if the vehicle is a truck or truck tractor, and if the vehicle has a gross weight exceeding twelve thousand pounds, the financial institution shall affix the notation "UNLADEN WEIGHT ONLY."

(4) The qualified financial institution may only obtain temporary license tags and temporary tag receipts from the Department of Revenue, Motor Vehicle Division. The financial institution shall remit a fee of \$2.25 for each temporary license tag requested.

(5) The qualified financial institution in issuing a temporary license tag/registration certificate, shall print, in ink, on the temporary tag itself in the format prescribed by the Department of Revenue the following: expiration date, vehicle ownership, make, year, vehicle identification number, model or type, issuing official's signature and name and date of issuance. Any erasures or other alterations of the information required on a temporary license tag will render the document void, and of no value to the person or vehicle described thereon.

(6) In the event a qualified financial institution considers it necessary to void a temporary tag(s), a credit may be claimed when ordering subsequent temporary tags. All voided temporary tags and registration certificates must be forwarded to the Department of Revenue, Motor Vehicle Division, by the close of business the following business day.

(7) In the event a qualified financial institution ceases the issuance of temporary tags, all unused tags and temporary tag receipts must be returned to the Department of Revenue, Motor Vehicle Division, and a refund may be obtained for fees previously paid by filing an application with the Department.

(8) A temporary tag must be displayed in the rear window of any passenger vehicle for which it was acquired. If obtained for a vehicle lacking a rear window, then the temporary tag must be posted in a location conspicuous to law enforcement officers.

(9) The qualified financial institution, in issuing the temporary tag, must print the following information on the Temporary Tag Receipt, Form MVR: 32-6-211: the temporary tag number, the vehicle owner and the owner's address, the vehicle make, vehicle identification number, model year, type vehicle, date issued, the financial institution's name and by whom the tag and receipt were issued. Any erasures or other alterations of the required information on the Temporary Tag Receipt will render the document void, and of no value to the person or vehicle described thereon.

(10) The original (registrant's) part of the completed Temporary Tag Receipt, Form MVR: 32-6-211, shall be retained within the motor vehicle to which the temporary tag was issued for the 20 day time period that the temporary tag is valid.

(11) The financial institution after issuing a temporary tag, must forward the second part (Department's) of the completed Temporary Tag Receipt, Form MVR: 32-6-211, to the Department of Revenue, Motor Vehicle Division, not later than the 10th day of the month succeeding the month the registration was issued as is provided in Section 40-12-260(a)(4)(b), Code of Alabama 1975. The third (designated agent's) part of the receipt is to be retained by the financial institution for audit purposes.

(12) Section 32-6-214, Code of Alabama 1975, provides that each temporary license tag is valid 20 days from the day of issue and must be used only on the vehicle for which issued and no temporary license tag shall be renewed nor shall successive temporary license tags be issued in connection with the same vehicle. (Authority: Sections 40-2A-7(a)(5) and 32-6-218, Code of Alabama 1975) (Adopted through APA effective December 15, 1999.)

(1) The Department of Revenue may allow access into the Department's motor vehicle registration and certificate of title databases to the Alabama Emergency Management Agency. The purpose of this access is limited to assisting the Emergency Management Agency in carrying out its functions in regard to processing disaster applications under the Individual and Family Grant Program.

(2) The Emergency Management Agency agrees to be responsible for the access and dissemination of data by personnel within its agency. The Emergency Management Agency agrees to require its personnel to sign a Disclosure Statement acknowledging that the use of the data is to be confined solely to the legitimate administration of its programs. Personnel within the Emergency Management Agency are to be advised that use of such data for other purposes could be a violation of the federal Driver's Privacy Protection Act; also, that the improper use of the information could constitute a violation of the Alabama Computer Crime Act. (Authority: Section 40-2A-7(a)(5) (History: Adopted through APA effective September 19, 2000)

810-5-1-.227.07 Memorandum of Understanding Between the Alabama Department of Environmental Management and the Alabama Department of Revenue.

(1) The Alabama Department of Revenue (ADOR) may allow access into the ADOR's motor vehicle registration and certificate of title database to the Alabama Department of Environmental Management (ADEM). The purpose of this access is limited to determining identity and ownership of vehicles observed during surveillance of illegal dumps within the State of Alabama.

(2) ADOR may allow access to the ADOR scrap tire environmental fee registration database to ADEM. The purpose of this access is for ADEM to determine compliance by tire dealers and retailers with the Alabama Scrap Tire Environmental Quality Act.

(3) ADEM agrees to be responsible for the access and dissemination of data by personnel within its agency. ADEM agrees to require its personnel with access to motor vehicle registration and certificate of title data or to the scrap tire environmental fee registration data to sign a "Non-Employee Confidentiality and Disclosure Statement" (Form COM-103) acknowledging that the use of the data is confined solely to the legitimate administration of its programs. These disclosure documents must be on file with the ADOR and a copy must be with the employee's personnel folder kept by ADEM. For the purposes of this rule, the word "personnel" shall be deemed to include employees of ADEM, vendors, contractors, subcontractors, and anyone with access to the data supplied by the ADOR.

(4) ADEM agrees to inform ADEM personnel with access to motor vehicle registration and certificate of title data provided pursuant to this memorandum of understanding that use or allowing the use of this data for reasons/uses other than the purpose(s) adopted in this MOU could be in violation of the Federal Driver's Privacy Protection Act, and could subject ADEM to federal sanctions. ADEM further agrees to inform personnel that anyone whose personal information is improperly released, or anyone who is injured due to the improper release of personal information contained within the motor vehicle registration or certificate of title databases, may bring a civil action in a U.S. District Court against the person and/or entity that wrongfully released the information.

(5) ADEM, in entering into this memorandum of understanding, agrees that if ADEM personnel release information contrary to the Federal Driver's Privacy Protection Act, such improper release shall be the responsibility of the person wrongfully releasing the data, with ADOR not responsible for the consequences of this improper action.

(6) ADEM shall advise ADEM personnel that the improper use of the information could constitute a violation of the Alabama Computer Crime Act and/or the provisions of Section 40-2A-10, Code of Alabama 1975.

(7) ADEM further agrees to provide the names of the individual(s) granted access to data pursuant to this agreement, and to promptly update the Department when there are additions or deletions to this listing of authorized individuals.

ADOR shall establish security standards for the data received by ADEM pursuant to the memorandum of understanding, which may include the audit of the receiving agency to ensure that the information is being properly secured.

Authority: Sections 40-2A-7(a)(5), Code of Alabama 1975. History: New rule: Filed January 6, 2004, effective February 10, 2004.

810-5-1-.228. The Issuance of Temporary License Tags/Registration Certificates by the Judge of Probate or Other County Official Authorized to Issue Motor Vehicle License Tags.

- (1) For the purposes of this regulation "Judge of Probate" shall be deemed to include any county official authorized and required by law to issue motor vehicle license tags.
- (2) Each Judge of Probate, upon request to the Department of Revenue, Motor Vehicle Division, shall be shipped a supply of temporary tags and registration certificates for issuance in accordance with the provisions of Act 79-817.
- (3) Judges of Probate are not required to pay for temporary tags in advance, but are to remit the sum of \$1.50 for each temporary tag issued to the Department of Revenue, Motor Vehicle Division. The balance of the \$2.25 fee collected for each temporary tag is to be distributed in accordance with the provisions of Section 32-6-215.
- (4) Under the provisions of Section 32-6-213, Code of Alabama 1975, Judges of Probate are authorized "to issue a temporary license tag and a temporary registration certificate to the owner of a motor vehicle to be licensed in this state when, due to circumstances, a permanent license tag cannot immediately be issued or when, in the judgement of the Probate Judge ... just cause exists for the issuance of such temporary license tag and registration certificate." With regard to this section, "just cause" has been determined by the Commissioner of Revenue to exist in -- but not limited to -- the following instances:
 - (a) when the purchaser of a motor vehicle does not receive from the selling individual, dealer, or firm the certificate of title or other documents necessary for application for title or for proof of ownership;
 - (b) when the seller of a motor vehicle delays in furnishing the buyer with an application for title.
- (5) "Just cause" according to Section 32-6-213 does not exist when, in the judgement of the Judge of Probate, the applicant for temporary registration is resorting to that measure in an effort to avoid remission of regular registration fees, casual sales tax, or ad valorem tax in full.
- (6) On temporary registration receipts issued for trucks or truck tractors weighing twelve thousand and one (12,001) pounds or more, Judges of Probate shall affix the notation "UNLADEN WEIGHT ONLY." Law enforcement agencies shall consider the operation of a truck or truck tractor with a temporary Alabama license plate/registration at a weight exceeding the unladen (empty) weight of that truck or truck tractor plus the weight of the passengers and their personal luggage as operation without a valid license plate/registration; anyone convicted of such a violation shall be subject to sanctions under Section 32-6-219, Code of Alabama 1975.
- (7) Each Judge of Probate, upon issuance of a temporary tag, shall forward the original copy of the registration certificate to the Department of Revenue, Motor Vehicle Division,

"by the close of business the next business day" in accordance with Section 40-12-258, Code of Alabama 1975.

(8) Probate Judges will be held accountable for temporary tags and registration receipts assigned to and received by them. If any temporary tags assigned to and acknowledged as received by a Probate Judge are determined to be missing, the required registration fees for said tags must be remitted as required by Section 32-6-215.

(9) Probate Judges, in issuing temporary tags, shall print, in ink, complete information as to vehicle ownership, make, model, vehicle identification numbers and date of issuance. Any erasures or other alterations of the information required on a temporary tag or registration receipt will render it void, and of no value to the person or vehicle described thereon.

(10) Each temporary tag is to be displayed by its purchaser in the rear window of the vehicle for which it was purchased. If secured for a commercial vehicle, the temporary tag is to be posted in a location conspicuous to law enforcement officers, for example, in the normal tag frame for a mobile home.

(11) A Judge of Probate, in his/her discretion, may, at one time, issue up to three (3) temporary license plates to one vehicle owner/lessee for one motor vehicle. In so doing, the Probate Judge shall indicate the beginning and ending effective dates on each of the temporary license plates issued. (Adopted September 7, 1983, amended December 20, 1988, December 28, 1994) (Authority: §§32-6-56, 40-12-263, and 32-6-218, Code of Alabama 1975)

810-5-1-.228.01. Sending in Monthly Vehicle Reports.

(1) Section 40-12-269, Code of Alabama 1975 requires that the Probate Judge or other county licensing officials shall forward to the Department of Revenue "a certified list of all motor vehicle licenses issued by the Probate Judge during the then preceding month," and the Department of Revenue forwards the report received from the Probate Judge and other county license issuing officials to the State Highway Department.

(2) The State Highway Department is responsible for reviewing the reports and providing information to federal and state agencies contained within said reports.

(3) The monthly reports of motor vehicle licenses required to be sent to the Department of Revenue shall be sent by the appropriate officials to the State Highway Department and shall be considered the same as being received by the Department of Revenue. (Authority: §40-2-11, Code of Alabama 1975) (Adopted September 25, 1990)

810-5-1-.229. The Mutilation or Alteration of License Plates Discussed - Penalties Provided.

(1) Whereas, license plates serve as one of the primary methods of identifying vehicles and determining ownership by law enforcement officials, Whereas, Act 79-797, now codified as Section 32-6-64, Code of Alabama 1975, clearly shows legislative intent that Alabama license plates are to have the greatest visibility and legibility possible, and Whereas, the legislature has further shown its intent as demonstrated by Section 40-12-265, Code of Alabama 1975, as amended, that mutilated or altered license plates are not to be displayed on any motor vehicle. It is therefore ordered that the following be adopted under the authority of Section 40-2-11, Code of Alabama 1975.

(2) The terms "mutilation" or "alteration" as used in Section 40-12-265, Code of Alabama 1975, shall include, but shall not be limited to, the following: Any situation wherein an unauthorized type decal, sticker, patch or other device or impediment which would tend to block or obscure the license plate number or the revalidation decals or otherwise make the Alabama license plate or decal illegible.

(3) Any person operating a motor vehicle with a license plate or decal, that has been so mutilated or altered so as to be illegible as described in Section 2 of this Rule, is subject to the requirements and sanctions of Section 40-12-265(b), and must file with the probate judge or license commissioner of that person's county of residence an application setting forth the facts that the license plate or decal has been so mutilated or altered so as to be illegible, and after paying the appropriate fee, shall be issued a replacement license plate or decal. (Adopted July 15, 1984, effective August 24, 1984) (Authority: §§40-2-11, 32-6-64, 40-12-265)

810-5-1-.230. The Sale of License Plates for Truck Tractors Limited to Travel within 15 Miles of its Domiciled Corporate Limits.

- (1) Whereas, Act No. 84-186 provides for the issuance of a license plate for truck-tractors operated by a certified motor carrier and used exclusively within 15 miles of the corporate city limits in which it is customarily domiciled, and
- (2) Whereas, the Commissioner of Revenue is empowered by Section 40-2-11, Code of Alabama 1975, to supervise and control the administration of the various tax and license laws of the State of Alabama, and
- (3) Whereas, it being the opinion of the Commissioner of Revenue that certain clarifying rules and regulations need to be adopted.
- (4) Certified motor carriers may purchase a license plate, commonly called "a mule tag" and designated by an "XL" prefix, for truck-tractors or tractors to be operated exclusively within 15 miles of the incorporated municipality in which it is customarily domiciled.
- (5) The 15 mile limit is determined by the city limits of the incorporated municipality in which the truck-tractor or tractor is domiciled and not the city limits of a contiguous incorporated municipality.
- (6) When the truck-tractor or tractor is moved or transferred from an incorporated municipality located in one county to an incorporated municipality located in another county, the license plate of the former county must be surrendered to the new county of domicile.
- (7) To avoid law enforcement actions, for a truck-tractor or tractor to be moved or relocated from the municipality presently based, the owner or lessee must carry in the cab of the vehicle, and present upon request of law enforcement an affidavit on a form supplied by the Department of Revenue. This affidavit is an authorization to move or relocate the truck-tractor or tractor outside the fifteen (15) mile limit, and will describe the vehicle, give the reason for the relocation, and is to be signed by a representative of the certificated carrier by whom the vehicle is owned or leased. The truck- tractor or truck-trailer combination must be unladen when transferred from one municipality to a new location. Upon relocation the owner or lessee must apply in the county of the new situs of the vehicle to the Judge of Probate or License Commissioner or other county official designated by law to register motor vehicles for the exchange of tags before the truck-tractor or tractor is placed into service.
- (8) The Judge of Probate or other county official authorized to issue motor vehicle license tags will issue a replacement license plate bearing the county code number of the new county of domicile without charge except for the issuance fee provided for in Section 40-12-271, Code of Alabama 1975.
- (9) The Judge of Probate or other county official authorized to issue motor vehicle license tags, upon issuance of such replacement tag, shall forward appropriate copies of the registration certificate to the Department of Revenue, Motor Vehicle Division, "by the close of business the next business day" in accordance with Section 40-12-258, Code of Alabama 1975. (Adopted as amended December 17, 1984; effective February 6, 1985.) (Authority: §40-2-11)

810-5-1-.231. Fee for Costs Incurred in Searching Registration Records and Providing Certified Copies of Registration Records.

- (1) WHEREAS, the Motor Vehicle Division of the Department of Revenue receives requests daily for vehicle registration information from the general public from within and without this State; and
- (2) WHEREAS, considerable employee work time, computer-usage time, and other expenses, including postage, are expended in searching and answering vehicle registration information requests; and
- (3) WHEREAS, a cost effective study was conducted by the Information Systems Division of the Department of Revenue, and such study revealed that a charge of three dollars (\$3.00) was a reasonable charge to reimburse the Department of Revenue for such cost incurred;
- (4) IT IS THEREFORE ORDERED, that a fee of three dollars (\$3.00) shall be charged for each application for registration status from vehicle registration records maintained in the Department of Revenue, Motor Vehicle Division. This fee is a per record fee and comprehensively covers the expenses of record searching, record certifying, and first class postage. Law enforcement agencies and other federal, state, county, and municipal agencies of all jurisdictions who reciprocate with information and/or assistance to the State Revenue Department shall be exempt from the payment of this fee.
- (5) FURTHER, all persons who make application for registration records from the State Revenue Department's Motor Vehicle Division shall apply in writing with notarization of signature of applicant. Payment by certified funds should be submitted with the application for record status. (Alabama Department of Revenue; History: Filed June 10, 1987 with Legislative Reference Service.) (Authority: §40-2-11)

810-5-1-.232. The Issuance of Distinctive License Plates or Tags to United States Retired Military Persons.

- (1) To qualify for the distinctive license plate(s) or tag(s), the applicant must have served in the Army, Navy, Marine Corps, Air Force or the Coast Guard a minimum of nineteen (19) years, six (6) months in active duty status. Provided, that anyone having met his active duty minimum requirement, shall qualify to receive the distinctive license plate(s) or tag(s) even if, the applicant is receiving or has received disability benefits, or has served in a military reserve component.
- (2) In accordance with Act 89-858, retirees from the Alabama National Guard with a minimum of twenty (20) years service shall, beginning in January, 1990, qualify for the distinctive "United States Armed Forces Retired" license plate. To qualify, retirees must be residents of the State of Alabama, and must own, fully or partially, the private passenger vehicle (including station wagons and pick-up trucks and motor homes with gross weights not exceeding 8,000 pounds).
- (3) A qualified applicant must present to the license plate issuing official a copy of his/her retirement papers. The issuing officials must accept Form DD214 from Army, Navy, Marine Corps, Air Force, or Coast Guard retirees when said form clearly reveals that the type of separation was either "retired" or "transferred" to fleet reserve. Said Form DD214 must reveal the minimum length of service as specified in Section 1 (above). Alabama National Guard retirees must present Form NGB22 revealing a minimum of twenty (20) years service. Retired reservists must furnish a copy of their retirement orders, if, however, these orders have been misplaced, the retiree may present his/her retired ID card and give an affidavit of military service revealing at least twenty (20) years service.
- (4) County issuing officials, in issuing the distinctive "United States Armed Forces Retired" license plate, shall provide the registrant a decal designating the branch of service of the retiree. Said decal, supplied by the Department of Corrections, shall be attached at the bottom center of the license plate between the bolt holes. Said decals

shall be worded as follows: ARMY, NAVY, AIR FORCE, COAST GUARD, MARINES, NATIONAL GUARD, USCGR, USMCR, USAFR, USNR, USAR. (Authority: Act 87-729.)

810-5-1-.233. Proof Of Payment Of Federal Heavy Vehicle Use Tax.

(1) WHEREAS, it being the opinion of the Commissioner of Revenue that rules and regulations are needed to implement the provisions of Code of Ala. 1975, '32-6-58, as amended; and

(2) WHEREAS, officials of the U.S. Department of Transportation, Federal Highway Administration, have suggested that formal rules should be adopted to instruct license plate issuing officials as to their responsibility under 23 USC 141 (d), and under Code of Ala. 1975, '32-6-58.

(3) IT IS THEREFORE ORDERED that:

(a) The purpose of this regulation is to ascertain that the license issuing agencies have complied with federal regulations. The regulations require the State of Alabama to verify payment of the Federal Heavy Vehicle Use Tax (FHVUT) prior to issuing a registration for a vehicle with a declared gross weight or combined gross weight of 55,000 pounds or more.

(b) The license plate issuing agency will require the person seeking to register a truck or truck tractor to declare the gross weight of the vehicle (or vehicle combination). The declared gross weight must be within the weight brackets of the license plate being requested (for example, if the registrant is seeking to obtain an "X6" license plate, the declared gross weight must be between 55,001 pounds and 64,000 pounds)

(c) The license plate issuing agency will be responsible for insuring that the declared gross weight is shown on the Motor Vehicle Registration Tag and Tax receipt in the box entitled "Owners Declared Gross Weight not Over." The county license plate issuing official may require the initialing of the declared gross weight by the registrant.

(d) Prior to the issuance of a license plate for a truck or truck tractor with a declared gross weight of 55,000 pounds or more, the license plate issuing agency must receive acceptable proof (as defined below) of the payment of FHVUT for the current tax year for the vehicle(s) being registered. In the case where the FHVUT is not due because the tax is suspended, the license plate issuing official must receive proof that the vehicle owner has filed the required federal tax forms (Form #2290).

(e) In accordance with federal regulations issued under date of May 23, 1985, by the Internal Revenue Service, the following shall be acceptable as proof documents:

1. A Form 2290, Schedule 1, which has been receipted as received by the Internal Revenue Service. Such form must be for the current tax year, and must list the vehicle(s) for whom the tax has been paid (unless the taxpayer has paid the tax on more than twenty-one (21) vehicles or unless the tax is suspended on more than seven (7) vehicles). The vehicles are to be listed by vehicle identification number (VIN); if the registrant has failed to list the VIN(s) the registrant is permitted to give the issuing official a letter certifying that tax was paid for the vehicle(s) being registered. The issuing official shall retain both the receipted Schedule 1 and the letter as acceptable proof document.

2. If the Schedule 1 is not stamped as received by the Internal Revenue Service, a substitute proof of payment may be used. A photocopy of the signed Form 2290 (with the corresponding Schedule 1 attached) which was filed with the IRS and a photocopy of both sides of the cancelled check for the current year may be used. Memo copies of money orders, cashier's checks and the like are not acceptable. Showing only one side of the original check is not acceptable.

3. The Internal Revenue Service regulations provide that anyone seeking to register a truck or truck tractor purchased or acquired within a period of sixty (60) days of the date that registration is sought will not be required to provide proof of payment of FHVUT.

However, proof of purchase or acquisition within the sixty (60) day period shall be required. Such proof shall include:

- (i) A copy of the bill of sale.
- (ii) A copy of the application for certificate of title, (or a copy of the actual title or replacement title).
- (iii) A copy of a court order, divorce decree, or other legal document awarding ownership to the registrant.

(f) the Schedule 1 of the Form 2290 also has a section for vehicles for which the FHVUT is suspended. The liability for the FHVUT is suspended during a taxable period if it is reasonable to expect the vehicle will be used for 5000 or fewer miles on public highways. These vehicles must be shown on the Form 2290, Schedule 1. County license plate issuing officials must receive proof that the taxpayer has filed Form 2290 for any suspended vehicle; thus the required proof document is normally a receipted Schedule 1.

(g) If a vehicle is an agricultural vehicle the FHVUT is suspended up to 7,500 miles. However, a receipted Schedule 1 or other acceptable proof document must be received by the issuing official before the requested license plate may be issued.

(h) In order for the State of Alabama, Department of Revenue, to monitor compliance with the proof requirements, the Motor Vehicle Registration Tax and Tax receipts must be annotated to reflect that a proof document was received. The notation should be a sequence number that is written or stamped on both the Motor Vehicle Registration Tag and Tax Receipt and on the proof document.

(i) The proof of payment of the FHVUT must be retained for one (1) year in order to allow the Federal Highway Administration to verify that the State of Alabama is in compliance with the Rules and Regulations. Part 41, paragraph 6001-2. (Authority: Code of Ala. 1975, §32-6-58(b); Act 84-794.) (Adopted September 13, 1988; filed September 21, 1988)

810-5-1.233.01 Self-Propelled Cranes-Definitions and Exemptions.

(1) Code of Alabama 1975, Section 40-12-248 (a), provides: "For each truck or truck tractor using the public highways of this state annual license taxes and registration fees...shall be charged."

(2) Section 40-12-240 (24) defines a "truck" as follows: "Every self-propelled motor vehicle designed and used primarily for the transportation of property in or upon its own structure..."

(3) Section 40-12-240 (27) defines a vehicle as : "Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway..."

(4) A self-propelled crane is not considered to be a truck because:

- (a) it is not designed and used primarily for the transportation of property in or upon its own structure.
- (b) it is not designed for use on the public highways.
- (c) it is not designed to transport or to draw persons or property upon the highway.

(5) Pursuant to the above mentioned sections of the Alabama Motor Vehicle License and Registration laws, self-propelled cranes are exempt from the registration

requirements due to the fact that they are not motor vehicles designed and used primarily for the transportation of persons or property upon the highways.

(6) The following are some of the criteria which may be used to define a self-propelled crane:

(a) A self-propelled crane is a vehicle not designed or used primarily for the transportation of persons or property and is only incidentally operated or moved over the highway.

(b) A self-propelled crane is designed to primarily perform the functions of lifting and lowering real or personal property.

(c) A self-propelled crane chassis has been specially designed and manufactured by the manufacturer, (or for the manufacturer), to serve solely as a mobile carriage and mount, (and a power source, where applicable), for the particular machinery or equipment attached.

(d) A self-propelled crane chassis cannot, without substantial structural modification, be used as a component of a vehicle designed to transport persons or property on the highway.

(7) A self-propelled crane is a vehicle specially designed for off-highway operation due to the following factors in the design of the vehicle:

(a) The vehicle's inability to travel at posted highway speeds; and/or

(b) The vehicle is overweight, overheight, and/or overwidth for regular highway use, or requires a special permit and/or escort for highway use; and/or

(c) Any other relevant factor of the special vehicle design, such as the requirement of transportation on tracks, which substantially limits or impairs the use of such vehicle on the public roads and highways.

(8) Nothing in this rule should be considered as authority for exempting from registration truck mounted cranes, trucks with booms attached, or similar type vehicles. (Authority: Sections 40-2A-7(a)(5) and 32-6-218, Code of Alabama 1975 (History: New rule: Filed March 13, 2001, effective April 17, 2001))

810-5-1-.234. Transferring Personalized And Collegiate License Plates; Procedures For Issuance Of A Combined Personalized/Collegiate License Plate And Departmental Responsibilities Therein; Providing For Replacement Tags.

(1) A person to whom a personalized or collegiate license plate has been issued pursuant to "32-6-150, et seq., may elect to surrender said license plate to the Judge of Probate or other license plate issuing official and request either a standard license plate or a distinctive license plate. The issuing official may reissue the surrendered license plate upon collecting the additional fee plus any standard fees due. The issuing official must inform the Department of Revenue by telephone of the reissuance.

(2) In the following type situations personalized or collegiate license plate registrants will not be required to pay the additional fee upon the transfer of the license plate:

(a) In situations where the vehicle is individually owned and the owner acquires a new vehicle which is to be titled:

1. both to the registrant and his/her spouse, or
2. which is titled in the name of the registrant and to another individual.

(b) In cases where there is joint ownership of a vehicle, and the ownership of that vehicle (or a newly acquired vehicle) changes to individual ownership by one of the original parties.

(c) In cases where a vehicle owner trades for another vehicle which is subsequently to be titled in the name of a business which is a single proprietorship owned by the original owner.

(3) The term "pleasure motor vehicle", as used in '32-6-150, as amended, and '32-6-130, as amended, shall include those type vehicles commonly known as "motor homes," but shall not include motorcycles or non-self-propelled vehicles.

(4) In accordance with Act 88-127, a four-year college or university electing to participate in the collegiate license plate program may authorize the Department of Revenue in writing to issue a combination personalized-collegiate license plate. This type of license plate, hereafter referred to as a prestige license plate, will be issued through the county license plate issuing officials upon payment of the additional fee provided under Act 88-127 or subsequent legislation.

(5) Those four-year colleges or universities authorizing the issuance of a prestige license plate will pay for the manufacturing costs of producing the prestige license plates as determined by the Board of Corrections as provided by Act 88-127. Subsequently the Department of Revenue will bill the participating schools on a monthly basis for the number of prestige license plates ordered to be manufactured.

(6) The maximum number of characters permitted on a personalized, collegiate or prestige license plate shall be seven (7), and may be further limited so that characters on a prestige license plate shall not obscure the approved design. Provided, however, that the Department of Revenue shall reject requests that will result in duplication of a personalized, collegiate or prestige license plate.

(7) Anyone who has either a personalized, collegiate or prestige license plate may elect to change to another personalized, collegiate or prestige license plate. If so, the registrant will be required to pay the additional fee as provided under '32-6-150, as amended, and surrender the current license plate if not expired.

(8) An Alabama resident may obtain a personalized or prestige license plate by:

(a) Making application for said plate through the Judge of Probate or other license plate issuing official of his/her county or residency.

(b) Obtaining approval by the Department of Revenue of the requested license plate.

(c) Paying the additional fee provide under '32-6-150, as amended, plus any standard fees due.

(9) The county license plate issuing official will issue, without charge, a sixty (60) day temporary license plate which shall be displayed until the requested license plate is received.

(10) In the event a personalized, collegiate or prestige license plate is lost, stolen, or, becomes mutilated, the owner shall make application for replacement and pay the fee required by law for said replacement license plate. The Department of Revenue shall have manufactured a duplicate of the original for shipment to the registrant. In cases of mutilation, the original license plate must be surrendered to the county license plate issuing official. (Authority: Code of Ala. 1975, '32-6-151.) (Adopted effective March 29, 1989)

810-5-1-.235. Title Procedures - Defining "Junk" Vehicles.

(1) Section 32-8-87 (j) Code of Alabama 1975, as amended, prohibits the issuance of a certificate of title for any motor vehicle for which a "junk" certificate has been issued or for a vehicle which is sold "for parts only". Other States issue certificates which also reflect a

salvage vehicle is non-rebuildable and vehicles which are declared non-rebuildable or parts cars or sold for parts are considered to be "junk".

(2) Any motor vehicle for which a certificate has been issued by any State with the notation of junk, parts car, parts only, non-rebuildable, or bills-of-sale issued for transfer of the vehicle which contain this information shall be considered to be a "junk" vehicle and shall not be titled in this State. (Authority: §32-8-3 and §32-8-87, Code of Alabama 1975) (Adopted September 25, 1990.)

810-5-1-.227.07 Memorandum of Understanding Between the Alabama Department of Environmental Management and the Alabama Department of Revenue.

(1) The Alabama Department of Revenue (ADOR) may allow access into the ADOR's motor vehicle registration and certificate of title database to the Alabama Department of Environmental Management (ADEM). The purpose of this access is limited to determining identity and ownership of vehicles observed during surveillance of illegal dumps within the State of Alabama.

(2) ADOR may allow access to the ADOR scrap tire environmental fee registration database to ADEM. The purpose of this access is for ADEM to determine compliance by tire dealers and retailers with the Alabama Scrap Tire Environmental Quality Act.

(8) ADEM agrees to be responsible for the access and dissemination of data by personnel within its agency. ADEM agrees to require its personnel with access to motor vehicle registration and certificate of title data or to the scrap tire environmental fee registration data to sign a "Non-Employee Confidentiality and Disclosure Statement" (Form COM-103) acknowledging that the use of the data is confined solely to the legitimate administration of its programs. These disclosure documents must be on file with the ADOR and a copy must be with the employee's personnel folder kept by ADEM. For the purposes of this rule, the word "personnel" shall be deemed to include employees of ADEM, vendors, contractors, subcontractors, and anyone with access to the data supplied by the ADOR.

(9) ADEM agrees to inform ADEM personnel with access to motor vehicle registration and certificate of title data provided pursuant to this memorandum of understanding that use or allowing the use of this data for reasons/uses other than the purpose(s) adopted in this MOU could be in violation of the Federal Driver's Privacy Protection Act, and could subject ADEM to federal sanctions. ADEM further agrees to inform personnel that anyone whose personal information is improperly released, or anyone who is injured due to the improper release of personal information contained within the motor vehicle registration or certificate of title databases, may bring a civil action in a U.S. District Court against the person and/or entity that wrongfully released the information.

(10) ADEM, in entering into this memorandum of understanding, agrees that if ADEM personnel release information contrary to the Federal Driver's Privacy Protection Act, such improper release shall be the responsibility of the person wrongfully releasing the data, with ADOR not responsible for the consequences of this improper action.

(11) ADEM shall advise ADEM personnel that the improper use of the information could constitute a violation of the Alabama Computer Crime Act and/or the provisions of Section 40-2A-10, Code of Alabama 1975.

(12) ADEM further agrees to provide the names of the individual(s) granted access to data pursuant to this agreement, and to promptly update the Department when there are additions or deletions to this listing of authorized individuals.

ADOR shall establish security standards for the data received by ADEM pursuant to the memorandum of understanding, which may include the audit of the receiving agency to ensure that the information is being properly secured.

Authority: Sections 40-2A-7(a)(5), Code of Alabama 1975. History: New rule: Filed January 6, 2004, effective February 10, 2004.

810-5-1-.438 International Registration Plan.

Pursuant to the authority granted the Commissioner of Revenue under §32-6-56 of the Code of Alabama 1975, the Commissioner hereby adopts by this reference, the provisions of the International Registration Plan (IRP) and official binding commentary (dated August 22, 1994) or such other designation that may, from time to time, be given to such document, in its entirety, with all modifications and revisions previously and henceforth to be adopted. A complete and current copy shall be maintained for public inspection at the offices of the Alabama Department of Revenue, Motor Vehicle Division, Room 1216, Gordon Persons Building, 50 N Ripley Street, Montgomery, Alabama 36132. (Sections 40-2A-7(a)(5) and 32-6-5) (Adopted by Reference through APA August 1, 2001)

810-5-1-.439. Any Person Seeking to Apportionally Register His Vehicle or Fleet Must Submit Required Application(s) to the Alabama Department of Revenue.

- (1) Any person seeking to apportionally register his vehicle or fleet must complete and file application(s) with the Alabama Department of Revenue.
- (2) Application forms are to be furnished by the Alabama Department of Revenue.
- (3) An applicant for apportioned registration shall remit payment to the Alabama Department of Revenue for all registration fees for all jurisdictions in which he/she elects to qualify, all penalties, interest, citation fees and all other taxes, fees and other charges required to register a vehicle or fleet of vehicles. However, ad valorem taxes will continue to be assessed and collected by the appropriate county officials.
- (4) No motor vehicle license (or license plate) may be issued and no motor vehicle license (or license plate) may be transferred from a motor vehicle apportionally registered until the ad valorem tax on such vehicle shall have been paid in the county for the preceding tax year, as evidenced by a receipt of the Tax Collector.
- (5) Alabama law (Section 40-12-263, Code of Alabama 1975) holds that "any person who knowingly makes a false statement in applying for the registration of a motor vehicle pursuant to this section is guilty of a misdemeanor and upon conviction, shall be punished as prescribed by law."

810-5-1-.440. Department of Revenue to Process and Issue Apportioned License Plates.

- (1) The department of Revenue shall be the sole issuing authority for applicants seeking apportioned vehicle registration under the provisions of the International Registration Plan or any other registration/reciprocity compact requiring payment of apportioned registration fees which the State of Alabama, through the Commissioner of the Department of Revenue under the authority of Act 848, Alabama 1978 Regular Session, may enter.
- (2) Vehicle, for the purpose of this rule or regulation, shall be held to mean any vehicle with three or more axles, or individually or in combination having a gross weight in excess of 12,000 pounds. (Authority: §32-6-56)

810-5-1-.441. Applicant's Responsibility to Timely File Complete Application for Apportioned Registration.

- (1) It is the applicant's responsibility to properly complete all forms necessary to register vehicles under apportioned registration agreements. If necessary information is missing from submitted applications, the applicant may be telephoned collect, or the application may be returned.
- (2) Applications rejected as incomplete will not be considered as received until completed and returned to the Department of Revenue. For example, one buys a tractor on May 1, and submits an application which is rejected and returned. The applicant completes the application and returns it to the Department of Revenue. The application is received and accepted on May 15. The applicant would then be billed registration fees plus applicable penalty and interest charges in that an acceptable application was not received within ten days of purchase.
- (3) Merely filing an International Registration Plan application does not constitute authorization to operate an apportionable vehicle. It is necessary for the applicant to secure either permanent or temporary authorization before legally operating any relevant vehicle.
- (4) International Registration Plan billings are due upon receipt and fees must be received by the Department of Revenue within ten (10) days of the billing date, except for the billings for apportioned license plate renewals during the date of October 1 through November 20 each year. If payments are not timely received, penalty and interest charges will be due. (Authority: §32-6-56)

810-5-1-.442. Vehicles which are Specifically Exempt from Apportioned Registration.

- (1) Government-owned vehicles.
- (2) City pickup and delivery vehicles.
- (3) Buses used for chartered parties.
- (4) Recreational Vehicles (defined as a vehicle used for personal pleasure or travel by an individual or his family).
- (5) Vehicles operating with a restricted plate.
 - (a) The plan defines restricted plate as a registration that has time (less than a registration year), geographic area, mileage, or commodity restrictions.
 - (b) The Alabama "F1" or "F2" plate is restricted and that Alabama law allows this plate to be used only by a farmer transporting farm products or transporting personal property of the farmer for his use on his farm up to 42,000 pounds.
 - (c) The Alabama "01" or "02" plate is restricted in that it may only be used on trucks owned and used by any person for transporting forest products from the point of severance to the sawmill, a papermill or to a concentration yard. (NOTE: Alabama law has further restricted the use of above plates to trucks, not truck tractors).
 - (d) Dealer plates are restricted.
 - (e) Alabama and Mississippi have an informal agreement whereby Mississippi recognizes full fee registered Alabama trucks or truck tractors to haul logs in an interstate movement into or from Mississippi. Likewise, Alabama recognizes the interstate movement of logs into or from Alabama by a full fee registered Mississippi truck or truck tractor. Note that this agreement involves the transportation of logs (not sawdust or similar products) and does not permit intrastate operation in the state in which the licensee is not licensed. (Authority: §32-6-56)

810-5-1-.443.01. Dates for Filing Applications and Reregistering Apportioned Vehicles.

Effective October 1, 1994, the reregistration (renewal) period for apportioned registration in Alabama shall be on a monthly staggered basis. The months of registration shall be January through October of each year. The Department of Revenue, Motor Vehicle Division, will assign

each registrant a renewal month. A registration will expire at midnight of the last day of the month immediately preceding the assigned renewal month. A registrant will be permitted to operate his vehicle(s) during the renewal month, which is a grace period, with the previous valid Alabama registration; however, current registration fees will attach upon vehicle operation and must be paid. To expedite the receipt of registration credentials before the renewal month/grace period expires, the original or initial apportionment license application shall be filed during the intermediate dates of the first day of the month immediately preceding the renewal month through the 15th day of the renewal month. Payment should be received by the Department of Revenue Motor Vehicle Division by no later than the 20th day of the renewal month. (Authority: §32-6-56, Code of Alabama 1975) (Adopted September 21, 1994.)

810-5-1-.444. Registrants to File Annually Schedule A or a Renewal Print-Out of Vehicles Previously Registered.

- (1) Under the provisions of the International Registration Plan, a registrant is billed registration fees based on the registration laws of the member jurisdictions. Completion of Schedule A is necessary so that fee computation is possible by the base jurisdiction, and that all required information be shown on registrant's cab cards.
- (2) In lieu of filing Schedule A in subsequent registration years, the registrants are encouraged to file a computerized renewal print-out furnished by the Department of Revenue of vehicles previously registered. One should line-out vehicles which will not be proportionally registered in the ensuing registration year.
- (3) Form IRP-A-(4-80) ALABAMA is used for the above purpose and is referred to as Schedule A. Form must be typed or printed in ink. (Authority: §32-6-56)

810-5-1-.445. Registrants to File Annually Schedule B.

- (1) Effective October 1, 1994, the following regulation will be implemented.
 - (a) The following definitions will apply to this regulation:
 1. REGISTRANT: A person, firm, or corporation in whose name or names a vehicle(s) is or is to be registered.
 2. RENEWAL MONTH: The month immediately following the month a vehicle's registration (license plate) expires.
 3. FLEET: One or more vehicles which are apportionally registered for the same jurisdictions by a registrant.
 4. MILEAGE YEAR: The twelve month mileage reporting period from July 1st through June 30th.
- (2) Under the provisions of the International Registration Plan, first year registrants are to file estimates of anticipated mileage for the required mileage year. Second and subsequent registration years, the registrant is required to give the actual mileage traveled by the registrant's proportionally registered vehicles in the preceding mileage year. However, estimated mileage shall be permitted for a second consecutive year if the actual operations did not exceed one month of the mileage year.
- (3) All mileage is required to be reported on form MVR-IRP-B. In completing MVR-IRP-B, the mileage is to be given for each jurisdiction. An incomplete MVR-IRP-B may be returned to the registrant for completion.
- (4) Registrants seeking to renew a fleet registration(s) must provide the actual mileage traveled in each jurisdiction for the mileage year that immediately precedes the commencement of the registration or license year for which apportioned registration is sought. However, when the renewal month for a fleet is July or August, the mileage reporting period will be the previous registration year's mileage reporting period.
- (5) If there was no mileage experience in the mileage reporting period for a jurisdiction, the registrant should provide an accurate estimate of the future operation of the fleet in

said jurisdiction. (Authority: §§32-6-56 and 40-2A-7(a)(5) Code of Alabama 1975)
(Adopted December 28, 1994.)

810-5-1-.446. Registrants to File Annually Schedule E.

Under the provisions of the International Registration Plan, registrants are to declare the weights of which they desire to be qualified in member jurisdictions. The Department of Revenue may lower the weight given by a registrant to the legal limit permitted by the member jurisdiction(s). Furthermore, one listing a weight for a jurisdiction which falls between two established weight brackets for that jurisdiction will have the weight increased to the higher weight category. Form IRP-E (2/82) ALABAMA is used for this purpose. One failing to file a Schedule E will be assigned weights based on the information shown on Schedule A or the renewal vehicle printout. (Authority: §32-6-56)

810-5-1-.447. Changes to a Registrant's Apportioned Account or Fleet.

At times a registrant may need to make changes in his apportionment. Changes are to be made by submitting a supplemental application, Schedule C. Changes to an IRP application that may be made by submitting a Schedule C include:

- (a) Adding a vehicle or vehicles to a fleet.
- (b) Exchanging one vehicle for another.
- (c) Increasing the weight of a registered vehicle.
- (d) Adding another jurisdiction for registration.
- (e) Reissue of lost or damaged plates.
- (f) Change of ownership.
- (g) Change of fleet classification.

This Form IRP-C (4-82) ALABAMA is used for this purpose and is known as Schedule C. (Authority: §32-6-56)

810-5-1-.448. Registrants to File Schedule D When Required.

This International Registration Plan form is to be filed by a registrant for apportioned registration under the following circumstances:

- (1) when units are added to a fleet which has had new jurisdictions added since the original application was filed
- (2) when transferring license plates and the carrier is qualified in one or more of those jurisdictions which do not permit full or partial registration fee transfers. See IRP instruction manual for a current listing of these jurisdictions
- (3) when requesting an increase in the registered weight of one or more jurisdictions
- (4) when qualifying for additional jurisdictions
- (5) when requesting a classification increase. (Authority: §32-6-56)

810-5-1-.449. Payments of Registration Fees under the International Registration Plan.

- (1) International Registration Plan billings should be paid by cashier's check, money order, or cash. If personal or company checks are submitted, the license plates/cab cards will not be shipped or given to the registrant until thirty (30) days after the remittance has been deposited.
- (2) The reason for the above requirement centers on previous rulings by the Attorney General that a license plate issuing official is potentially liable for registration fees if a remittance he/she accepts proves to be uncollectible. (Authority: §32-6-56)

810-5-1-.450. Ad Valorem Tax Must be Paid Before License Plates May be Issued.

Alabama law (Section 40-12-253, Code of Alabama 1975) specifically provides that ad valorem (personal property) taxes must be paid before license plates may be issued. Registrants should have their vehicle(s) assessed and the ad valorem tax should be paid to the appropriate county official. One may submit as proof of ad valorem tax payment a copy of the tag and tax receipt or a Schedule A which has been certified as to tax payment by the appropriate county official. Owner-operators registering through motor carriers should pay the tax and deliver a copy of the tax receipt to the motor carrier (lessee) for submission to the Motor Vehicle Division. Proof of payment may be submitted with his application or, preferably, submitted with his remittance. If no ad valorem tax is due, this fact must be attested by the appropriate county official. (Authority: §§32-6-56, 40-12-253)

810-5-1-.451. Sales Tax and Titles Pursuant to Receiving a Tag or Cab Card.

(1) Alabama law (Section 5c, Act 81-665) requires that a sales tax at the rate of one and one-half percent be paid on casual sales of any automotive vehicle, truck trailer, semi-trailer and house trailer. Accordingly, a vehicle owner must provide proof of payment of sales tax before license plates or cab cards may be issued.

(2) Proof of ownership must be provided by the copy of an application for a certificate of title to such vehicle, a certificate of title to such vehicle, a duplicate certificate of title to such vehicle where the original is held by a lienholder, or a copy of the application for a replacement certificate of title, on motor vehicles required to be titled (vehicles manufactured prior to 1975 are not required to be titled in Alabama). A photocopy of any of the above is acceptable.

(3) The name of the owner on the title and the name of owner as shown on Schedule A or Schedule C must agree. A title issued to the previous owner and assigned over to the new owner is not acceptable. (Authority: §§32-6-56, 32-8-32, and 40-23-101)

810-5-1-.452. Trailers and Semi-trailers.

Owners or registrants of trailers and semi-trailers should secure trailer plates from the county probate judge or license commissioner unless one determines to apportionally register his fleet to include one or more of the states of Colorado, Montana, Oregon, or Wyoming. If so, trailers must be listed on the application (Schedule A) and the registrant will receive special apportioned trailer plates from Montgomery upon payment of registration fees and otherwise having qualified. (Authority: §32-6-56)

810-5-1-.453. Issuance of License Plates by the Department of Revenue.

Upon receipt of applications for apportioned registration, the Department of Revenue assigns and issues the license plates based on the information given on the application schedules. The Department of Revenue assumes no responsibility for any liability, damage, or enforcement action taken against the registrant as a result of the license plate assigned and issued the registrant. The registrant is responsible for securing the correct license plate classification (including weight classification) based on his operation of the vehicle and Alabama motor vehicle registration statutes. Upon receipt of the vehicle license plates and cab cards, the registrant must review the information shown on the cab card and check the license plate classification to ascertain whether he will be in compliance of law with the type use to be made of the vehicle. If not, it is the responsibility of the registrant to obtain the correct information and/or license plate classification by filing the appropriate schedules as shown in these rules. (Authority: §§40-12-10(d) and 32-6-56)

810-5-1-.454. Temporary Operating Authority (TOA).

- (1) When the carrier wishes to add new or additional vehicles to an apportioned fleet, the Department of Revenue will issue temporary authorization if requested by the carrier.
- (2) The carrier must have a fleet currently apportioned with Alabama and the vehicles shall become registered as a part of that carrier's fleet.
- (3) The temporary authorization covers a specific vehicle and cannot be transferred to another vehicle.
- (4) One adding a unit to his existing IRP fleet should first prepare a Schedule C, then telephone the IRP Section of the Department of Revenue. The information reported on Schedule C should be available to give to the personnel in the Department.
- (5) A method of paying for and receiving the TOA is determined. Very often the registrant desires to obtain the TOA from a Revenue Department District Office. Or the registrant may elect to secure it through a wire service. The most convenient truckstop that is set up with these wire services is selected. Payment may be made with cash or credit card. A service charge is required to secure the TOA through a wire service (but not through the district office).
- (6) The registrant is required to pay for the registration when obtaining the TOA. The transfer fee is \$1.25 unless one is qualified in ID, UT, and WY, wherein, additional fees are required. Those securing a TOA through the district office will be telephoned when the TOA is ready for pickup and be given the registration fee amount to be taken to the office (cash, cashier's check, or money order).
- (7) What are the requirements that must be satisfied before the new cab card and/or license plate can be shipped by UPS from Montgomery:
 - (a) Proof of payment of ad valorem taxes - the tag/tax receipt is secured from the county tax collector or license commissioner.
 - (b) Proof of payment of sales tax. One may submit a TC-1 (from tax collector or license commissioner); a photocopy of a bill of sale from an Alabama motor vehicle dealer; previous registration in registrant's name.
 - (c) Schedule C (and Schedule E if weights will be different from other units previously registered)
 - (d) Photocopies of certificates of title.
- (8) A temporary operating authority is valid only until the date shown on the permit, and is in no case valid beyond a date 30 days from date of issuance, even if registration fees or other requirements have been met for the issuance of permanent registration.
- (9) The Department of Revenue reserves the right to refuse temporary authority to any carrier whose account is not in good standing. (Authority: §32-6-56)

810-5-1-.455. Will Bill Jurisdictions.

Certain IRP jurisdictions have complicated procedures for figuring their IRP registration fees. These jurisdictions are called "will bill" jurisdictions and Alabama does not figure their registration fees. The jurisdictions of Colorado, Montana, and the Province of Alberta are "will bill" jurisdictions. One must include these jurisdictions in his completed application for IRP registration if he desires to qualify in these jurisdictions.

- (a) One will receive a separate billing notice from each "will bill" jurisdiction listed.
- (b) One must write a separate check for each billing notice received.
- (c) One must send check and copy of billing notice to each jurisdiction's IRP office. (Authority: §32-6-56)

810-5-1-.456. Permanent Lease to Disclose Settlement of Unexpired Portion of License Plate.

The Interstate Commerce Commission, in its leasing regulation (Part 1057.12-F) requires that "the lease shall clearly specify the responsibility of each party with respect to the cost of fuel, fuel taxes, empty mileage, permits of all types, tolls, ferries, detention and accessorial services, base

plates and licenses and any unused portions of such items" (underlining added). Thus an owner-operator leasing to a carrier shall understand that the lease governs the settlement of accounts upon termination of such lease. Such settlement includes any reimbursement for the unused portion of registration fees and license plate costs. (Authority: §32-6-56)

810-5-1-.457. Application for Replacement or Correction of Cab Card.

One desiring a replacement cab card or needing information corrected on his current cab card must file form IRP-2 and submit \$1.25 for each such replacement or correction. This form is not to be used for change of ownership or to change registered weights. (Authority: §32-6-56)

810-5-1-.458. Transferring Apportioned License Plates.

(1) Act 848, 1978 Regular Session, specifically provides that "if the provisions set forth in said International Registration Plan or other agreements are different from the provisions prescribed by this Code or any rules or regulations promulgated by the Commissioner pursuant to the authority granted hereunder to the Commissioner, then the agreement provisions shall prevail."

(2) Accordingly, the following shall apply to vehicles registered under the International Registration Plan in Alabama:

(a) Contrary to the laws governing transfers under Section 40-12-260, as amended, the registration license plates do not follow the vehicle when sold, regardless of the registration fee paid for said license plate.

(b) Also contrary to Section 40-12-260, as amended, registration license plates are transferable by the registrant to other vehicles owned or leased by the registrant regardless of the amount originally paid for the license plate.

(c) For each transfer of apportioned registration, the fee will be the amount required under Section 40-12-260, including the fee for completing the transfer application for the registrant.

(d) For each transfer of apportioned registration, fees will be collected for those jurisdictions in the International Registration Plan which do not permit transfer of all or part of their fees. (Authority: §§32-6-56, 40-12-260, as amended, and 40-12-272)

810-5-1-.458.01. Transferability of Apportioned License Plates.

(1) In the following situations the department will consider the vehicles as having been "permanently withdrawn" and, accordingly, will process applications to transfer the apportioned license plate(s) to other vehicles:

(a) When the owner secures a full-fee (non-apportioned) Alabama license plate for the vehicle.

(b) When the owner has properly registered the vehicle in another jurisdiction.

(c) When the lessee owner operator terminates the lease agreement and surrenders the license plate and cab card.

(d) When the lessee registers the unit in another apportioned fleet.

(e) When the owner has parked the vehicle and is actively advertising the vehicle as being for sale.

(f) When the vehicle has been wrecked and repairs will not be made within the next 180 days or before the expiration of the current registration year "whichever first occurs."

(2) The phrase "completely removed from the fleet of the registrant" does not include the following situations:

(a) When the owner/registant fails to provide a sufficient explanation or documentation with the application for transfer as to why the registration should be transferred.

(b) When the owner is removing the vehicle from service in order to have it repaired and repairs should take less than 180 days to effectuate.

(c) When a lease operator, upon termination of contract, fails to surrender the apportioned license plate or cab card. (Authority: Sections 32-6-56, 40-12-260, Code of Alabama 1975.) (Adopted December 21, 1989.)

810-5-1-.459. Department of Revenue Permitted to Make Reasonable Inquiries and Demand Reasonable Proof When Registering Vehicles Under the International Registration Plan.

In an official opinion of the Attorney General under date of February 1, 1977, addressed to the Honorable Paul Thomas, Judge of Probate, DeKalb County, it was held that a Probate Judge has the right to make reasonable inquiries and demand reasonable proof when registering motor vehicles. The Department of Revenue, likewise, has the authority to make reasonable inquiries and demand reasonable proof before a registration is issued under the provisions of the International Registration Plan. (Authority: §32-6-56)

810-5-1-.460. Situations Where Registrants are to Return Apportioned Registration License Plates and/or Cab Cards.

In certain situations registrants must return the previously issued apportioned registration as a prerequisite to the issuance of new apportioned license plates and cab cards.

- (a) The registrant desires to voluntarily increase his license plate classification or by virtue of citation or assessment is required to purchase a higher license plate classification.
- (b) The registrant voluntarily or by virtue of citation or assessment needs an increase in the registered weight for his vehicle(s) for the State of Alabama.
- (c) Under Section 40-12-265(b), as amended, Code of Alabama 1975, if a registrant should find or recover an apportioned license plate previously reported as lost or stolen, or should such license plate come into the possession of such registrant, he must immediately deliver same to the Department of Revenue.
- (d) If a registrant's license plate becomes mutilated and the registrant applies for a replacement license plate, under Section 40-12-265(b), the registrant is required to surrender the mutilated license plate.
- (e) If a registrant's vehicle is destroyed or junked, the license plate and/or cab card is to be returned unless the vehicle is wrecked and totaled outside of Alabama and the license plate is lawfully surrendered to the jurisdiction where the vehicle was wrecked and totaled; or if the license plate is surrendered to the registrant's insurance company or to the Title Section of this Department. (Authority: §§32-6-56 and 40-12-265)

810-5-1-.461. Replacement License Plate Not to be Issued When Lessor Fails to Surrender License Upon Termination of Lease.

Pursuant to Article IX A.2. of the IRP agreement, the license plate is the property of the lessee-carrier. However, this section also places the responsibility for control of the plate on the lessee-carrier. Under Article VII A., the plate is to be turned in upon withdrawal from the fleet, for subsequent transfer to another truck. It is the responsibility of the lessee-carrier to see that the plate is returned to it by the owner-operator before leaving the fleet. If the lessee-carrier fails to secure the return of the plate, a replacement plate may not be issued on the basis of the "lost or stolen" plate provision. (Authority: §32-6-56)

810-5-1-.462. Registrants to File Form IRP-3 When Requesting Transfer/ Replacement License Plates and Cab Cards When Vehicle is Destroyed or Junked.

- (1) Section 40-12-260(c), as amended, Code of Alabama 1975, provides that a license plate may be transferred to a replacement vehicle when the originally registered vehicle is destroyed or junked. In that often the license plate is required to be surrendered under provisions of the Alabama title law or the laws of a jurisdiction in which the vehicle was totaled, IRP-3 was designed to permit the registrant to inform as to the disposition of the license plate issued to the original vehicle, and to thus expedite the issuance of a license plate for the replacement vehicle. Under Section 40-12-260(c), as amended, the registrant is entitled to a replacement plate for \$1.00 plus the issuance fee.

- (2) When the vehicle is prior to a 1975 model, or the license plate is not required to be surrendered to the jurisdiction where the vehicle was totaled, the registrant is to surrender the license plate to the Department of Revenue before the transfer/replacement license plate may be issued.
- (3) Form IRP-3 (6/82) is used for this purpose. (Authority: §§32-6-56 and 40-12-260(c), as amended)

810-5-1-.463. Temporary License Plate.

- (1) In accordance with Section IX (C) of the International Registration Plan, each member jurisdiction must provide a means of temporary registration for owner-operators not operating as a lessor.
- (2) Act No. 79-817 has provided for a temporary license plate valid for 20 days and issued upon payment of \$2.25 to the Judge of Probate and certain other designated and bonded groups.
- (3) This temporary license plate may be issued by the Department of Revenue or Judge of Probate or other officials responsible for the issuing of license plates to an owner-operator not operating as a lessor, or to whom the Judge of Probate can legally and lawfully issue said permit under Act 79-817. (Authority: §§32-6-56 and 40-12-263)

810-5-1-.464. Records, Recordkeeping and Audits.

- (1) Any registrant whose application for apportioned registration has been accepted shall preserve the records on which the registration is based for a period of three (3) years. Such records shall be made available for inspection during normal business hours, and shall be furnished upon request, to any agent of the Department of Revenue or to any authorized agent of another jurisdiction that is a party to the International Registration Plan. The records will be used for audit as to the accuracy of computation, for payments, for assessments resulting from deficiencies and allowances resulting from credits.
- (2) Any one registered under the International Registration Plan and based in Alabama must keep accurate and legible records. All records must be preserved by the registrant in order to support mileage figures used for the current application year plus the three preceding mileage reporting periods.
- (a) Records shall include the following:
1. An "individual vehicle mileage record" for each trip for each vehicle registered under the International Registration Plan. The International Registration Plan mileage reporting period is the period beginning July 1 and ending June 30. This record should include:
 - (i) Date of trip (starting and ending);
 - (ii) Trip origin and destination;
 - (iii) Route of travel and/or beginning and ending odometer or hubometer reading of the trip;
 - (iv) Total trip miles;
 - (v) Mileage by jurisdiction;
 - (vi) Unit number or vehicle identification number;
 - (vii) Vehicle fleet number;
 - (viii) Registrant's name;
 - (ix) Trailer number; and
 - (x) Driver's signature and/or name.
 2. Any trip permit purchases.
 3. Monthly totals of all mileage travelled.

(3) The records must be made available upon request to the Alabama Department of Revenue for audit. The results of each audit will be sent to the carrier and to all the requesting International Registration Plan jurisdictions for which the carrier is or was apportionally registered.

(4) Registrants seeking the registration of vehicles or fleets who have failed or refused to maintain the required mileage records are subject to the loss of the apportionment privilege and/or the payment of full fee (Alabama) registration fees subject to the discretion of the Commissioner. Registrants who are subject to loss of the apportionment privilege and/or the payment of full fee registration may avail themselves of the appeal process provided by Section 40-2A-8, Code of Alabama 1975.

(5) Registrants seeking the registration of a fleet (one or more vehicles) for which no mileage has accumulated in other jurisdiction(s) for the previous two mileage years (as defined in 810-5-1-.445), shall be denied apportioned registration. The International Registration Plan definition for an "apportionable vehicle" states, in part, that the vehicle be "used or intended for use in two or more member jurisdictions." The receipt of an application indicating that the registrant's vehicle(s) accumulated no mileage out of the state of Alabama for the second consecutive year or audit results reveal that no out-of-state mileage had accrued for the second consecutive year, does not show reasonable intent to travel out of the state; therefore, the registrant will not be allowed to apportionally register the subject vehicle(s), until convincing evidence of planned future fleet operation into another jurisdiction is presented to the Commissioner. Persons who are denied the apportionment privilege are guaranteed the appeal process provided by Section 40-2A-8, Code of Alabama 1975. (Authority: §§32-6-56, 40-2A-7(a)(5) and 40-12-263, Code of Alabama 1975) (Adopted December 28, 1994, amended July 26, 1996)

810-5-1-.465. An International Registration Plan Apportioned Cab Card is an Official Motor Vehicle Registration Receipt; Penalties for Alteration of Same.

(1) Article IV D2 of the International Registration Plan requires that International Registration Plan Apportioned Cab Cards list the jurisdictions in which the vehicle is proportionally registered, the weight for which registered and other necessary information in each of the jurisdictions. The cab card should contain a vehicle description including make, year, vehicle identification number, type of vehicle, number of axles, type fuel used, unladen weight, gross and/or combined gross weight as defined in Section 40-12-240(4), title number, International Registration Plan account number, registrant's name and address, and vehicle owner. This International Registration Plan Apportioned Cab Card is a motor vehicle registration receipt as described in Section 32-6-65, Code of Alabama 1975.

(2) Anyone altering for the purpose of deception or found operating a vehicle with an altered International Registration Cab Card, may be subject to arrest and prosecution under the provisions of Section 40-12-265, Code of Alabama 1975. (Authority: §§32-6-56, 40-12-265 and 32-6-65)

810-5-1-.466. Computation of International Registration Fees - Purchase and Leases.

(1) The IRP Operational Procedures (Article XIV 2) of the Uniform Policies and Procedures Manual requires that member jurisdictions of the International Registration Plan compute registration fees "based upon the date the vehicle is added to the fleet." The Department of Revenue accepts this rule as applied to lessor's leasing vehicles to common carriers under the provisions of Article IX A2 of the International Registration Plan.

(2) For vehicles registered under the §International Registration Plan other than under Article IX A2, registration fee liability attaches and delinquency is computed based on the following:

- (a) Registration fee liability attaches upon the purchase of a vehicle at the time delivery is made to the buyer.
- (b) Section 32-6-61, Code of Alabama 1975, permits a ten (10) day grace period to secure the registration of the motor vehicle before a delinquency penalty attaches.
- (c) Section 32-6-65(b) requires that a \$15.00 penalty be assessed when a registrant fails to apply for a license plate or transfer within ten (10) days of acquisition.
- (d) Alabama Law requires that interest be charged on delinquent payments. (Authority: §§32-5-56, 32-6-61 and 32-6-65)

810-5-1-.467. Procedures for Applying for Refunds of Alabama Motor Vehicle Registration Fees Paid under the International Registration Plan or Otherwise.

Applicants seeking refund of registration fees paid for motor vehicle license plates must submit required petition for refund form, decal, license plate, or both, and any supporting documents that substantiate reason for requesting same.

- (a) Petition must be completed and submitted in quadruplicate to the State Department of Revenue.
- (b) Required decal, license plate, or both for which a refund is being sought must accompany the petition for refund. If this is not possible, a statement verifying the reason for not returning such registration material must be submitted.
- (c) The tag/tax receipt for which the refund is being sought should be submitted with the application for petition for refund.
- (d) If refund is being sought due to duplicate registration, documentation verifying that registration was duplicated should be submitted.
- (e) If refund is being sought due to registration being secured in error, documentation and/or certified statement verifying the facts must be submitted.
- (f) Registration fees are not refundable if the vehicle is operated after the previous registration has expired.
- (g) Issuance fees and the commission accruing to the issuing official are not refundable according to Section 40-12-23(a), Code of Alabama 1975.
- (h) Upon approval of the petition, the Department of Revenue will authorize the refund of registration fees by the appropriate State, County and Municipal officials. (Authority: §§32-6-56 and 40-12-23)

810-5-1-.468. Refunds of Apportioned Registration Fees.

- (1) If an audit of an apportioned carrier in any jurisdiction part to the International Registration Plan reveals an overpayment of registration fees to the State of Alabama, refunds, when in the amount of \$10.00 or more, will be granted. In accordance with established International Registration Plan procedures the Commissioner of the base jurisdiction is to furnish the audit and the refund request.
- (2) Refunds may be made in the event of a billing error by the Department of Revenue.
- (3) One securing full fee registration through the Judge of Probate or License Commissioner, and subsequently securing Alabama apportioned registration may be entitled to partial refund.
- (4) Duplicate registration of a vehicle by the same registrant may entitle the registrant to a refund.
- (5) A carrier requesting a refund of fees paid under Article IX A2 of the International Registration Plan may be refunded registration fees if a lessor had paid fees proportionally to the State of Alabama under Article IX A1. (Authority: §32-6-56)

810-5-1-.469. Cancellation and Revocation of Apportioned License Plates and Cab Cards and Reciprocal Exemptions Erroneously Issued or if Any fees Remain Unpaid.

(1) Article IV D4 of the International Registration Plan provides that "all plates and cards and reciprocal exemptions are subject to cancellation and revocation in the event of erroneous issuance thereof, or if any fees remain unpaid." Upon determination that a cancellation and revocation should be made, the Department shall give written notice to the registrant to the address given on his most recent application for apportioned registration. The notice will state the reason(s) for the action and will establish a hearing date, time, and place for the registrant to offer objections.

(2) One may have his registrations cancelled and revoked if:

(a) Registrations were issued in error because the registrant failed to provide proof of the payment of ad valorem tax, sales tax, or did not submit proof that the vehicle was properly titled.

(b) Registration fees were not paid.

(c) An owner-operator was not authorized by the carrier to obtain the registration.

(d) The registrant is not a resident of this state or does not meet the criteria for established place of business as defined by the International Registration Plan.

(e) Incorrect information was fraudulently given by the registrant on the applications for apportioned registration.

(f) Evidence reveals that the registration is either in violation of Alabama laws or in violation of International Registration Plan provisions. (Authority: §32-6-56)

810-5-1-.470. Reciprocity Trip Permits.

(1) In accordance with Section XII of the International Registration Plan, a reciprocity trip permit registration may be secured for any vehicle or combination of vehicles in lieu of full fee registration or apportioned registration. The fee for this reciprocity trip permit shall be \$20.00. The permit shall be valid for seven (7) days, the beginning and ending dates to be shown on the permit. Every trip permit shall be carried in the cab of the vehicle for which such permit is issued. Such permit is not transferable. Such permit shall be presented upon request or demand of a law enforcement officer. The permit may be secured from the Department of Revenue or its designee.

(2) This permit is required only by those vehicle operators whose vehicle is based in a jurisdiction that is a party to the International Registration Plan and who did not elect to secure full or apportioned registration in Alabama.

(3) Any person operating a vehicle or truck-tractor combination with a current and valid reciprocity trip permit is permitted both interstate and intrastate operations within Alabama, provided he/she has met regulatory requirements such as qualification with the Alabama Public Service Commission, if needed, and the Department's Motor Fuel Division.

(4) Trip Permits will be required in other member jurisdictions if an Alabama base carrier does not apportion with that jurisdiction. If not proportionally registered before entering any other IRP member jurisdiction, a trip permit must be secured and carried in the cab of the vehicle for which issued or the vehicle may be subject to full registration in that jurisdiction. (Authority: §§32-6-56 and 40-12-263)

810-5-1-.471. Alabama Reciprocity Agreements.

(1) Under the Authority of Section 40-12-262, Code of Alabama 1975, Alabama has entered into bilateral reciprocal agreements with the jurisdictions shown below. These agreements permit the interstate movement of vehicles into or through the jurisdictions party to the agreements. The agreements only pertain to vehicle operation.

Alberta	Arizona	Arkansas	California	Colorado	Connecticut	Delaware
Dst. of Columbia	Florida	Georgia	Idaho	Illinois	Indiana	Iowa
Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan

Minnesota	Mississippi	Missouri	Montana	Nebraska	New Hampshire	New Jersey
New Mexico	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon
Pennsylvania	Rhode Island	South Carolina	South Dakota	Tennessee	Texas	Utah
Virginia	Washington	West Virginia	Wisconsin	Wyoming	Manitoba	Ontario

(2) Furthermore, the Commissioner of Revenue has entered into bilateral intrastate reciprocity agreements with the jurisdictions of Georgia, Florida, and Indiana. These agreements permit intrastate vehicle operations between states party to the agreements for a period up to thirty (30) days. (Authority: §§32-6-56 and 40-12-262)

810-5-1-.472. Registration of Rental Vehicles for Registrants with Operations in Two or more Jurisdictions.

Rental companies with multi- jurisdictional operations registering passenger cars, utility trailers, one-way vehicles and other nonapportionable vehicles must file with the Department of Revenue an equipment listing of all such vehicles available for rental in all jurisdictions as of October 1, or as of such date agreeable to the Department. Furthermore, the rental companies must provide such information as requested by the Department of the determination of the number of vehicles to be registered on an allocation basis in Alabama; this information is in accordance with Article XI of the International Registration Plan and is dependent upon the type vehicles to be so registered. (Authority: §32-6-56)

810-5-1-.473. Distribution of Monies Received from Registrants under the International Registration Plan.

(1) Revenue received from registrants under the provisions of the International Registration Plan are to be distributed in accordance with Sections 40-12-269 and 40-12-270, Code of Alabama 1975, as amended. The registration fees received from registrants based in Alabama will be distributed under Section 40-12-270(a) 2b, according to the residence of the registrant declared on his application for apportioned registration. Monies received from registrants not based in Alabama will be distributed to the counties and municipalities of this state under Section 40-12-270(a) 2b, according to the distribution of the in-state based registration fees.

(2) It will be the duty of the appropriate official of any county or municipality having a lawful distribution contrary to Sections 40-12-269 and 40-12-270 to advise the Department of Revenue in writing of such distribution, and the Department is to be held blameless without such notification.

(3) The Department of Revenue will not make distributions to counties or municipalities when the amounts due to be distributed are under one dollar (\$1.00). (Authority: §§32-6-56, 40-12-269 and 40-12-270)

810-5-1-.474. Overpayments/Underpayments of Registration Fees from International Registration Plan Jurisdictions.

The International Registration Plan, Uniform Policies and Procedures Manual, Administrative Procedures Section, Article IX 6, reads, "if an application for a member jurisdiction was figured incorrectly by the base jurisdiction, then that application and payment should be returned to the base jurisdiction for correction, provided such error is in excess of \$5.00." The Commissioner of

Revenue, aware of the time and expense involved in collecting or refunding registration fees, and in conformity with Plan procedures, does adopt this practice. (Authority: §32-6-56)

810-5-1-.475. Registration Fees from International Registration Plan Jurisdictions.

(1) John J. Breckenridge, Assistant Counsel, Legal Division, Department of Revenue, in an informal opinion under the date of February 8, 1982, stated the following concerning exemptions found in Section 40-12-248, Code of Alabama 1975: "Since the terms "farm produce" and "farm products" necessarily connotes some connection with a farm, it is my opinion that the terms must necessarily involve transportation from a farm to either a manufacturer or a market. Thus, when a farm product has been in some way processed by a manufacturer, then the motor vehicle which transports the items from the manufacturer to a market or a retailer would not be considered as transporting farm products and would not be entitled to the exception."

(2) The impact of the above opinion is to require the registration of vehicles hauling farm produce, farm product, and forest products on a compensated basis with the Exempt Commodities For Hire (C) license plate rather than the Private (P) license plate category.

(3) In that the exempt commodity license plate has previously been one basically for intrastate use by coal haulers, the exempt commodity rates were not furnished to the International Registration Plan jurisdictions. Now that a significant number of Alabama registrants will be subject to the exempt commodity rates, registrants in other International Registration Plan jurisdictions hauling "Exempt Commodities" should be subject to the higher fee category.

(4) The term "exempt commodities" refers to the fact that the commodity is exempt from the regulation of the Interstate Commerce Commission or the various jurisdictional Public Service or Public Utility Commissions. In that differing regulatory commissions exempt (or regulate) different commodities the following guidelines are to be used in collecting Alabama registration fees:

(a) On the Type of Operation segment of Schedule B, registrants indicating "Common Carrier Exempt Commodities" will pay fees based on the Alabama fee schedule for Exempt Commodities as found in Section 40-12-248(d).

(b) Registrants indicating "Household Goods Carrier" will pay fees based on the Alabama fee schedule for Private Carrier as found in Section 40-12-248(c)

(c) Registrants indicating "Private Carrier" will pay fees for Private Carriers as found in Section 40-12-248(c).

(d) Registrants indicating "Haul for Hire" will pay fees based on the Alabama fee schedule for For Hire carriers as found in Section 40-12-248(d).

(e) Registrants indicating "Rental Company" will pay fees based on the Alabama fee schedule for Private Carriers as found in Section 40-12-248 (c).

(f) Registrants indicating two categories will pay fees based on the higher fee schedule. (Authority: §§32-6-56 and 40-12-248)

810-5-1-.476.01. Enforcement As To Alabama Apportioned Vehicles, License Plates, Revalidation Decals and Cab Cards.

(1) A current, valid revalidation decal, assigned by the Department of Revenue, must be properly displayed on the assigned apportioned license plate on the designated vehicle by the last day of the vehicle's designated renewal month. Additionally, the vehicle's current registration cab card must be carried in the vehicle by the same date.

Enforcement will begin the first day of the month that immediately follows the renewal month, provided, when the last day of the designated renewal month falls on a Saturday, Sunday, or holiday, the enforcement date will be the day following the first work day of the subsequent month.

(2) In lieu of the above registration, a valid trip permit or temporary vehicle registration will temporarily satisfy registration requirements.

(3) Alabama carriers traveling into other states should ascertain the requirements of those states before entering them.

- (4) The original International Registration Plan cab card must be carried in the vehicle. The duplicate copy or a photocopy is not acceptable.
- (5) Enforcement personnel will inspect the original International Registration Plan cab card for verification that a vehicle is properly registered. The cab card must not be mutilated or altered in any way, and must be presented to law enforcement personnel upon demand. (Authority: §32-6-56, Code of Alabama 1975) (Adopted September 21, 1994)

810-5-1-.477. Arrest and Prosecution.

- (1) Section 32-6-51, Code of Alabama 1975, provides that every motor vehicle operator who operates a motor vehicle upon any city street or other public highway of or in this state shall display on such motor vehicle a license tag or license plate as prescribed and furnished by the Department of Revenue. This section further provides that one violating these provisions shall be guilty of a misdemeanor and shall, upon conviction, be punished by fine not exceeding \$500.00 and, in addition thereto, shall be prohibited from driving a motor vehicle in Alabama for a period of not less than 60 days nor more than six (6) months.
- (2) In lieu of the above requirements one may register his vehicle or vehicle combination with the State of Alabama on a proportional registration basis under Section 32-6-56, Code of Alabama 1975. As evidence of such proportional registration, one must have and display a current and valid registration cab card which reflects the apportioned registration to include the State of Alabama at the proper weight classification. One refusing or failing to furnish this evidence of proportional registration may be subject to arrest and prosecution as provided by Section 32-6-51. (Authority: §§32-6-56 and 40-12-263)

810-5-1-.478. Applicant's Responsibility to Timely File Application for Apportioned Registration.

Sections 32-6-61, Code of Alabama 1975, requires (in part) that "all persons who acquire a motor vehicle which is located in this state and required to be registered in this state... shall within ten (10) calendar days from date of purchase re-register the vehicle..." In that the Commissioner of Revenue is aware that an applicant for apportioned registration cannot remit apportionable fees until said fees have been determined by the Department of Revenue, the following procedures are adopted as a fair and equitable policy for the submission and payment of registration fees under the International Registration Plan:

- (a) It shall be the responsibility of the applicant to timely file his application so that the application is received by the Department of Revenue within ten (10) days of purchase date.
- (b) In the event that the date delivery is taken of the motor vehicle is later than the date of purchase, the applicant shall attach a sworn, notarized statement to his application giving the date of delivery.
- (c) Upon receipt of the application, the Department of Revenue will compute an International Registration Plan billing notice listing the registration or transfer fees due by the applicant. The billing will be dated and will be mailed to the mailing address shown on the original application (Schedule B).
- (d) The applicant must timely submit registration fees so that remittance is received by the Department of Revenue within ten (10) days of date shown on International Registration Plan billing notice.

(e) Remittances received after the ten (10) day period will be returned with a new International Registration Plan billing notice which includes applicable penalty and interest charges.

810-5-1-.479. Proof of Residency Requirements for Applicants for Registration Under the International Registration Plan.

(1) Owner-operators registering their vehicles under the provisions of Article IX A1 of the International Registration Plan or owner- operators who do not long-term lease to motor carriers and are registering under the provisions of the International Registration may be required to furnish proof of residency in the State of Alabama.

(2) Acceptable proof will consist of an Alabama certificate of title, a copy of an application for an Alabama certificate of title, a duplicate Alabama certificate of title, or a copy of the application for replacement of Alabama certificate of title.

(3) For vehicles prior to 1975 year models, the registrant may be required to give a sworn, notarized statement that he is a resident of the State of Alabama and further may be required to produce an Alabama driver's license. Section 40-12-263, Code of Alabama 1975, states that "no truck, semi-trailer truck, road tractor or other like motor vehicle used for hire or for commercial purposes which is owned by a nonresident of this state shall be registered in this state except as may be otherwise provided in or authorized or required by Section 40-12-262". Furthermore, this section provides that "any person who knowingly makes a false statement in applying for the registration of a motor vehicle pursuant to this section is guilty of a misdemeanor and upon conviction shall be punished as prescribed by law."

(4) Failure to provide the required proof will be sufficient reason for the Department of Revenue to deny registration. (Authority: §§32-6-56 and 40-12-263)

810-5-1-.480. The State of Alabama is a Member of the Multistate Reciprocity Agreement Governing the Interstate Operation of Vehicles.

On May 8, 1962, the Commissioner of Revenue, acting under the authority of Title 51, Section 707, Code of 1940, as amended (now Section 40-12-262, Code of Alabama 1975), signed the resolution making the State of Alabama a member of and party to the agreement known as the Multistate Reciprocity Agreement Governing the Interstate Operation of Vehicles. (Authority: §§32-6-56 and 40-12-262)

810-5-1-.481. Multi-Year Trailer/Semitrailer License Plates Registered by County License Officials.

(1) This Regulation is to become effective October 1, 1994.

(a) The following definitions will apply:

1. FLEET: A fleet of trailers must consist of fifty (50) or more units to be registered in the same county.

2. OWNER: For purposes of the §40-12-252, Code of Alabama 1975, "owner" shall be inclusive of the person or party holding title to a vehicle; or in the case of a long-term leased vehicle, shall be the lessee.

3. TRAILERS: The term "trailer" will include semitrailers, truck trailers, and tractor trailers as defined in Article 5 §40-12-240, Code of Alabama 1975, as amended. The term "trailer" will also include "converter gears" and "auxiliary axles" as defined in Regulation 810-5-1-.402.

4. VIN: Vehicle Identification Number.

(2) To register a fleet of trailers (50 or more units) with a county licensing official, the registrant shall furnish his/her name and address along with the following information:

UNIT#	MODEL	MAKE OF COMPLETE VEHICLE	(OPTIONAL) YEAR VEHICLE	VIN IN
		TITLED	NAME OF	

- (3) After the initial registration of fifty (50) or more trailer units, registrations may be requested for additional units by furnishing a request in the above form.
- (4) Once a fleet of fifty (50) or more trailers is qualified and registered for multi-year license plates, said fleet may continue to be registered each year during the multi-year period even though after the first year fewer than fifty (50) units are available for registration.
- (5) The multi-year trailer license plate issued in accordance with §40-12-252 must remain with and cannot be transferred to another owner.
- (6) The registration of each trailer licensed with a multi-year trailer license plate covered under this regulation will expire on September 30 of each year.
- (7) The owner must pay the annual license tax and registration fee during the period October 1 through November 30. If the fees are not paid, all license plates and registrations in the fleet shall be cancelled in accordance with the provisions of §40-12-252.
- (8) In the event the annual license tax and registration fees are not paid by November 30 of each year to the Judge of Probate or other license plate issuing official, said official must forward to the Department of Revenue a listing of trailers for which the annual license tax and registration fees have not been paid.
- (9) If registration fees are not paid by November 30 of each year and the trailers have been operated on or after the date the previous Alabama registrations have expired, the Department of Revenue will send a preliminary assessment of the license tax and registration fee liability to the owner's last known address. In accordance with §40-2A-4, Code of Alabama 1975, a formal hearing may be requested by the owner if he or she wishes to object to the assessed amount.
- (10) If an owner does not desire to re-register a unit for the following registration year, the unit's metal license plate must be returned before October 1 of the registration year to the license plate issuing agency. If a trailer is operated after September 30 of its registration year, the trailer will be subject to registration fees. No trailer may be deleted from the fleet without documentation (including sworn affidavits) attesting that the trailer was not used on the highways or streets after September 30. (Authority: §§40-12-252(d) and 40-2A-7(5)) (Adopted December 28, 1994.)

810-5-1-.481.01. Apportioned Multi-Year Trailer/Semitrailer License Plates.

- (1) This Regulation is to become effective October 1, 1994.
- (a) The following definitions will apply:
 1. FLEET: A fleet of trailers must consist of fifty (50) or more units to be registered with the Alabama Department of Revenue.
 2. TRAILERS: The term "trailer" will include semitrailers, truck trailers, and tractor trailers as defined in Article 5 §40-12-240, Code of Alabama 1975, as amended. The term "trailer" will also include "converter gears" and "auxiliary axles" as defined in Regulation 810-5-1-.402.
 3. VIN: Vehicle Identification Number.
 4. REGISTRANT: A person, firm, or corporation in whose name or names a vehicle(s) is or is to be registered.
 5. RENEWAL MONTH: The month immediately following the month a vehicle's registration (license plate) expires.
- (2) To register a fleet of trailers (50) or more units in one fleet) for apportioned registration with the Department of Revenue, the registrant must furnish the required information by completing and returning the appropriate form(s) to the Department of Revenue.
- (3) Once a fleet of fifty (50) or more trailers is qualified and registered for multi-year license plates, said fleet may continue to be registered each year during the multi-year

period even though after the first year fewer than fifty (50) units are available for registration.

(4) Cab cards issued to apportionally registered trailers will be multi-year; however, a carrier may be issued new cab cards if the originals are lost or mutilated, or if additional jurisdictions requiring trailer apportionment are needed, or if deletions of jurisdictions become necessary.

(5) The registration of each apportioned vehicle licensed with a multi-year trailer license plate will expire the last day of the month immediately preceding the vehicle's renewal month.

(6) Registrants must pay the annual license tax and registration fees during their assigned renewal month. If the fees are not paid, all license plates and registrations in the fleet shall be cancelled in accordance with the provisions of §40-12-252.

(7) If the registration fees are not paid each year by the last day of the registrant's renewal month and the trailers have been operated on or after the date the previous Alabama registrations have expired, the Department of Revenue will send a preliminary assessment of the license tax and registration fee liability to the registrant's last known address. In accordance with §40-2A-4, Code of Alabama 1975, a formal hearing may be requested by the registrant if he or she wishes to object to the assessed amount.

(8) If a registrant does not desire to re-register a unit for the following registration year, the unit's metal license plate and original cab card must be returned to the Department of Revenue the next business day that follows the expiration date of registration year for which the trailer is registered. If a trailer has been operated after its registration has expired, it will be subject to full Alabama fees for the twelve (12) month period beginning on the first day of the registrant's renewal month. No trailer may be deleted from the fleet without documentation (including sworn affidavits) attesting that the trailer was not used on the highways or streets after the last registration had expired. (Authority: §§40-12-252(d) and 40-2A-7(a)(5), Code of Alabama 1975) (Adopted December 28, 1994)

810-5-1-.482. Classification Codes for License Plates.

(1) The Commissioner of Revenue is of the opinion that Section 32-6-52, Code of Alabama 1975 requires that license tags attached to the vehicle be of the proper classification but does not provide for identifying the classifications.

(2) In order to determine if vehicles are bearing the proper license tag classification of the Commissioner of Revenue has determined that a code should be established for each classification and imprinted on the license tag.

(3) The following are designated as classification codes.

BB	Battleship Commission	D	Dealer and Dealer Motorcycles	DT	Dealer Transit
CO	County Owned Vehicles	CM	County Owned Motorcycles	F	Farm Products
FT	Fleet Rental Trailers	HS	Helping Schools	K	Commercial Hearses and Ambulances
L	Forest Products	M	Motorcycles	MOH	Medal of Honor
MU or MUN	City Owned Vehicles	MM	City Owned Motorcycles	POW	Prisoner of War
PUD	Public Utilities	Q	Commercial Buses	R	Motor Homes
RS	Rescue Squad Unit and Member Vehicles	RT	Rental Trailers	S	State Owned Vehicles
ST	State Troopers	T	One year Apportioned	TR	One year Non-

			Trailers		Apportioned Trailers
TM	Multi-Year Trailers	TL	Travel Trailers	UT	Utility Trailers
X	Trucks and Truck Tractors over 8,000 lbs. Gross Weight	XL	Restricted Tractors	Z	Commercial Taxis

(Authority: §§32-6-52, 32-6-53, 40-12-241, 40-12-242, 40-12-245, 40-12-246, 40-12-247, 40-12-248 and 40-12-252, Code of Alabama 1975) (Adopted January 28, 1992)

810-5-1-.483. Staggered Registration of Motorcycles, Travel Trailers and Utility Trailers.

- (1) WHEREAS, Section 32-6-61, Code of Alabama 1975, does not specifically designate renewal months for motorcycles, travel trailers, utility trailers; and
- (2) WHEREAS, the majority of motor vehicles defined as motorcycles, utility trailers and travel trailers are owned by individuals for their private use; and
- (3) WHEREAS, county license plate issuing officials have requested that these vehicles be renewed/revalidated based on the first letter of an individual's last name the following procedures are hereby adopted.
- (4) Beginning October 1, 1994, license tags or plates issued to motorcycles, travel trailers and utility trailers owned by individuals shall be issued on a staggered registration basis and in the same month as that designated to purchase standard license plates for their private automobiles and pickup trucks.
- (5) To implement these provisions, the licensing, registration and taxation may be for periods less than or greater than 12 months during the conversion year beginning October 1, 1994.
- (6) In accordance with Section 32-6-63, renewal decals shall be issued to these license plate categories the same as for standard license plates for private automobiles and pickup trucks. (Authority: §40-2-11) (Adopted April 25, 1994)

810-5-1-.484. Licensing, Registration, Expiration, Etc., Staggered Implementation Period.

- (1) The licensing, registration, ad valorem taxation of International Registration Plan (IRP) vehicles shall be on a monthly, staggered basis. When fees are paid and all other registration requirements for a vehicle(s) are met, a license plate(s) and/or a revalidation decal(s) will be issued to the registrant.
- (2) The Department of Revenue will assign renewal months to registrants in order to ensure that registrations are equally distributed in order to establish a more efficient registration system.
- (3) Vehicles registered under the International Registration Plan staggered registration system will be reregistered during the months of January through October.
- (4) Effective with the transition to the new IRP computer system in early 2003, all apportioned license plates being renewed and all new IRP registrations will expire on the last day of the month assigned by the Department as the renewal month for the vehicle/fleet; provided, if the last day of the month falls on a Saturday, Sunday, or state holiday, the license plate(s) will expire on the day following the first business day of the succeeding month. Provided, that the expiration date shown on the IRP cab cards and the motor vehicle database for fleets registered in calendar year 2002 until the transition to the new IRP computer system in early 2003 and expiring in calendar years 2003 or 2004 shall remain unchanged.

(5) Effective with the transition to the new IRP computer system in early 2003, anyone who has paid apportioned registration fees prior to the upcoming registration year whose vehicle is subsequently sold, or otherwise disposed of prior to the upcoming registration year, or anyone renewing a vehicle which is wrecked and destroyed prior to the upcoming registration year, may file an application for refund of the registration fees paid; or may request the transfer of the registration to a vehicle not previously registered or to a newly acquired vehicle during the current registration year. Authority: §§40-2A-7(a)(5) and 32-6-56, Code of Alabama 1975; (Adopted September 21, 1994; Amended March 21, 2003)

810-5-1-.485. Implementation of the Federal Driver's Privacy Protection Act (DPPA).

(1) As used in this rule, the following words and phrases shall have the following meanings:

- (a) **Department.** The Alabama Department of Revenue.
- (b) **Agents or contractors.** The various **county officials** responsible for the issuance of motor vehicle registrations and license plates and handicap parking credentials, and responsible for accepting applications for certificate of title; and other persons appointed by the Department as **Designated Agents** to perform duties under the Alabama Certificate of Title and Antitheft Act; further more, this term shall include any **vendors** having access to departmental records or files. This term shall not refer to persons who acquire registration and title information from the Department in accordance with provisions herein adopted.
- (c) **Disclose.** To engage in any practice or conduct to make available and made known **personal information** contained in a **motor vehicle record** about a person to any other person, organization or entity, by any means of communication.
- (d) **Individual Record.** A **motor vehicle record** containing **personal information** about a designated person whom is the subject of the record, as identified in a request.
- (e) **Motor Vehicle Record.** Any record that pertains to an **individual's** Alabama motor vehicle operator's or driver's license or permit, registration record, handicap parking credential, an **individual's** motor vehicle title application, or to an **individual's** title issued by, or pending issuance, by the Department or agency authorized to issue any of such forms or credentials.
- (f) **Personal information.** Information that identifies a person, including an **individual's** social security number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information.
- (g) **Record.** Includes all books, papers, photographs, photostats, cards, films, tapes, recordings, electronic data, printouts or other documentary materials regardless of physical form or characteristics.

(2) Prohibition on disclosure and use of personal information from state motor vehicle records.

(a) Section 2721(a) of the **Federal Driver's Privacy Protection Act of 1994** [DPPA] (Title XXX of Public Law 103-322), reads as follows: "In General - Except as provided in subsection (b), a State department of motor vehicles, and any officer, employee, or

contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity **personal information about any individual** obtained by the department in connection with a motor vehicle record."

(b) The Department interprets this section as providing that the disclosure restrictions are applicable to motor vehicle records of **individuals**, and not applicable to motor vehicle records of proprietorships, partnerships, corporations, associations, estates, trusts, limited liability partnerships or entities other than individuals.

(c) The Department hereby affirms that **unless the owner provides express consent for the release of motor vehicle registration or title records**, the records **may not** be released for marketing purposes under the provisions of the **Permitted Disclosures** paragraph of this rule. Release of personal information for non-marketing purposes can be made only in accordance with the provisions of this rule.

(d) The Department prohibits the release of any information on a motor vehicle record relating to an individual(s) medical or disability status, without express consent of the individual to whom the information pertains, except for uses permitted under Section 5 (a), (d), (f) and (i). This includes, but not limited to, information relating to a Handicap parking application or issuance of a Handicap distinctive tag or placard.

(e) The Department interprets Section 350 of Public Law 106-69 of the federal Driver's Privacy Protection Act as prohibiting the release of any specialized listing, printout, or document revealing an individuals name and address as it relates to a specific group(s) or individual(s) for marketing purposes including notices of appreciation unless express written consent of the individual is obtained. This specialized listing may include, but is not limited to, individuals that have acquired collegiate, commemorative, distinctive, military, organizational or personalized tags.

(3) **Required disclosure.**

(a) Personal information, as defined in Paragraph 1(f), **shall be disclosed** for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Federal Automobile Information Disclosure Act, 15 USC 1231 et seq., the Motor Vehicle Information and Cost Saving Act, 15 USC 1901 et seq., the National Traffic and Motor Vehicle Safety Act of 1966, 15 USC 1381 et seq., the Anti-Car Theft Act of 1992, 15 USC 2021 et seq., and the Clean Air Act, 42 USC 7401 et seq., as amended, and all statutes and agency regulations enacted or adopted pursuant to the authority of, or to attain compliance with, the said Acts of Congress.

(4) **Disclosure with Consent.**

(a) Personal information referred to in Paragraph 1(f), **may be disclosed** to any requester, if such person demonstrates, by furnishing a complete request form, or by providing some other document which has been signed by the person(s) requesting the information, and by the **person** whose personal information was requested, **giving consent to the release of the information**. Release documents are not to be considered as perpetual; new lease forms must be filed for each request.

(b) Personal information referred to in Paragraph 1(f) may be disclosed to an Executor(s), Executrix(s), Administrator(s), Administratrix(s), Conservator(s), Trustee(s), or other

authorized requesting official, if such person(s) provides legal documentation substantiating authority to act in behalf of an individual. Legal documentation may be, but not limited to, a Power of Attorney, Letters of Administration, Letters of Testamentary, Letters of Conservatorship, and Trust Agreements. Legal documentation must be current and dated within 12 months from the date of the request for personal information.

(5) **Permitted disclosures**. Personal information, as defined in Paragraph 1(f), **may be disclosed** to any person by the Department on proof of the identity of the person requesting a record or records and representation by such person that the use of the personal information will be strictly limited to one or more of the following described uses:

(a) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a government agency in carrying out its functions.

(b) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(c) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only-

1. to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

2. if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against the individual.

(d) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of the court.

(e) For use in research activities and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact the individuals.

(f) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud activities, rating or underwriting.

(g) For use in providing notice to the owners of towed or impounded vehicles; as required under Chapter 13 of Title 32 (Abandoned Motor Vehicles).

(h) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.

(i) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 USC App. 2710 et seq.);

(j) For use in connection with the operation of private toll transportation facilities.

(k) For bulk distribution for surveys, marketing or solicitations, if the department has obtained the express consent of the person to whom such personal information pertains.

1. The Department interprets this section as **not prohibiting** the release of **non-personal** information for marketing or other legal purposes in regards to a motor vehicle record. "Non-personal information includes any information relating to the vehicle description, issuance dates and expiration dates of motor vehicle records, and data other than personal data as defined in Paragraph 1(f). The Department interprets this section as pertaining only to an individual's motor vehicle records, and **not** applicable to motor vehicle records pertaining to proprietorships, partnerships, corporations, associations, estates, trusts, limited liability partnerships, limited liability corporations, or other non-individual entities.

(l) For any other use in request for individual motor vehicle records, if the department has obtained the express consent of the individual to whom such personal information pertains.

(m) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

(6) Obtaining registration and title information under Permitted Disclosures (Paragraph 5):

(a) The Alabama Department of Revenue **may provide** personal information as authorized under Paragraph 5 ("Permitted Disclosures") upon receipt of a **Form MVDPPA1** from any person qualified to receive the information; provided, that any **court**, or **governmental entity**, including **law enforcement officials**, may request the information via written correspondence on agency letterhead, or by subpoena, or by telephone if the requesting party provides their Originating Agency Identifier ("ORI number").

(b) County officials involved in the issuance of motor vehicle registrations, handicapped parking credentials, or accepting applications for certificate of title may provide the requested information as provided under Paragraph 5, except sub-paragraph (k), upon receipt of a Form MVDPPA1C wherein the requester provides evidence of his/her qualification to receive the personal information **in accordance with Paragraph 5** and the Driver's Privacy Protection Act. Provided, information received concerning an individual's request for handicap parking credentials shall only be provided under the provisions of Paragraph 5 (a), (d), (f), and (i). County license plate issuing officials **are not authorized** with the effective date of this rule to provide personal information regarding **individuals** to anyone requesting the information; the providing of data must be in accordance with federal law as provided in this rule.

(c) The department may enter into a signed contract to release registration and title data for requests under Paragraph 5. If approved, the following procedures are applicable.

1. Motor vehicle registration and title data will be released in its entirety. There will be no selective releases.

2. The department will enter into a signed contract with the approved requester wherein a uniform set fee for all releases will be provided.

3. For any private company requesting data under Paragraph 5, the contract will state the restrictions as to use and retention of the data (and to whom provided) in accordance with the provisions of the Driver's Privacy Protection Act.

4. The department will indicate on the registration and title data which records have been authorized by express consent of the individual for release for marketing purposes under Paragraph 5 (k), and the requester is restricted to sending marketing and solicitations only to those persons who have provided express consent.

(7) **Disclosure-Various Provisions.**

(a) Any individual may request that the department release their motor vehicle registration or title records for marketing purposes by providing express consent by submitting Form MVDPPA3 to the department.

(b) Upon written request, on **Form MVDPPA1**, and upon payment of the appropriate fee, **any vehicle owner** may obtain from the department or an agency or contractor thereof, a copy of the motor vehicle registration and/or title record **for any vehicle he/she** presently owns or previously owned to the extent that the registration or records indicate ownership by that individual. The appropriate fee charged will be in accordance with Code of Alabama 1975, §32-8-6(a)(7) and Motor Vehicle Regulation 810-5-1-.231.

(c) The Department interprets Section 2721(b)(1), which authorizes the use of personal data by "any governmental agency...in carrying out its functions", as permitting the release of personal information to an individual who acquires a motor vehicle and it is subsequently determined that the certificate of title is missing a signature of a previous owner or motor vehicle dealer, and said new owner must contact the individual who failed to provide the required signature.

(8) **Resale or Redisclosure.**

(a) An authorized recipient of personal information under subsection (k) of Paragraph 5, may not resell or redisclose the information. Any company receiving information under subsection (k) shall not resell listings of persons who have obtained **handicap license plates** as a distinct listing category because to do so would be in violation of the DPPA provisions against disclosing medical problems of such registrants.

(9) **Effective date:** The provisions of this rule shall become effective June 1, 2000. (Authority: Section 40-2A-7(a)(5), Code of Alabama 1975, Public Law 103-322, Federal Driver's Privacy Protection Act) (History: New rule: Filed October 13, 2000, effective November 17, 2000)

810-5-1-.486 Memorandum of Understanding Between the Administrative Office of Courts and the Alabama Department of Revenue - Parking Ticket Cases.

The Department of Revenue may provide motor vehicle registration data to the Administrative Office of Courts. The Department of Revenue's purpose in providing such data is limited solely and strictly to assisting the Administrative Office of Courts in providing information to municipal courts within Alabama to facilitate the resolution of parking ticket cases. The Administrative Office of Courts agrees to require its personnel with access to the motor vehicle registration data to sign a Disclosure Statement acknowledging that the use of the data is to be confined solely to the purpose of providing data to municipal courts. The Administrative Office of Courts further agrees to be responsible for informing those municipal courts requesting motor vehicle registration

data that the data is to be exclusively used by court personnel solely in the performance of their official duties as pertaining to parking ticket cases. The Administrative Office of Courts agrees to require an appropriate official of each municipal court to sign a (Anti) Disclosure Statement acknowledging that the use of the data is to be confined solely for the use by the courts in parking ticket cases being tried in the municipal courts. The court official signing the Disclosure Statement, or the individual selected by the chief judge of the municipal court, shall be responsible for ensuring that access to the data is for official purposes only, and for informing personnel within the municipal court with access to such motor vehicle registration data that use of such data for any other purposes than those specifically enumerated herein could be a violation of the federal Driver's Privacy Protection Act; also, that the improper use of the information could constitute a violation of the Alabama Computer Crime Act. (Authority: Section 40-2A-7(a)(5)) (Adopted through APA effective December 25, 2000)

810-5-1-.487 Memorandum of Understanding Between the Administrative Office of Courts and the Alabama Department of Revenue - Convictions/Violations of Liability Insurance Laws.

In order to assist court officials in performing their statutory duty of providing to the Department of Revenue reports of convictions pursuant to Section 32-7A-16 and Section 32-7A-17 (Act No. 2000-554). The Administrative Office of Courts may provide the information to the Department on behalf of the courts. The Department of Revenue is restricted to using that data exclusively in the administration of Chapter 7A of Title 32, and specifically in order to randomly sample persons who have been convicted during the previous four year period of violating laws requiring vehicle owners to obtain and display proof of liability insurance. The Administrative Office of Courts further agrees to retain within its records of conviction(s) when forwarding information concerning the current conviction. This record of previous conviction(s) is needed because the Department of Revenue is required to suspend the motor vehicle(s) registration (s) of those persons who are found to have multiple convictions, a minimum of four (4) months before reinstatement, and the Department is also required to collect a higher reinstatement fee for persons determined to have had multiple convictions of operating a motor vehicle on the street and highways of Alabama without first obtaining the necessary liability insurance required pursuant to Code of Alabama 1975, § 32-7A-1. et seq.. The Administrative Office of Courts and the Department of Revenue agree to facilitate the submission and the receipt of such information through electronic methods. As the information regarding convictions is public record, personnel with the Department of Revenue are not required to sign (Anti) Disclosure Statements with the Administrative Office of Courts. However, the Department of Revenue considers the information confidential as provided in Section 32-7A-21, and accordingly, will keep the information confidential and disclose the data only as necessary in the administration of Chapter 7A of Title 32. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted November 20, 2000, effective December 25, 2000)

810-5-1-.488 Memorandum of Understanding Between the Finance Department and the Alabama Department of Revenue.

The Department of Revenue may allow access into the Department's motor vehicle registration and certificate of title databases to the Finance Department's Office of Fleet Management. The purpose of this access is limited to providing information necessary in performance of its various duties. The Finance Department's Office of Fleet Management agrees to be responsible for the access and dissemination of data by personnel within its agencies. The Finance Department agrees to require its personnel with access to the motor vehicle registration and title data to sign a Disclosure Statement acknowledging that the use of the data is to be confined solely to the legitimate administration of its

programs. Personnel within the Finance Department's Office of Fleet Management with access to the data are to be advised that use of such data for other purposes could be a violation of the federal Driver's Privacy Protection Act; also, that the improper use of the information could constitute a violation of the Alabama Computer Crime Act. (Authority: Section 40-2A-7(a)(5)) (History: Adopted through APA December 25, 2000)

810-5-1-.489 Memorandum of Understanding Between the Alabama Department of Corrections and the Alabama Department of Revenue.

(1) The Department of Revenue routinely provides motor vehicle registration data to the Alabama Department of Corrections. The purpose of providing this data is limited to providing names and addresses of registrant(s) who have ordered personalized or distinctive personalized license plates in order for the Department of Corrections to ship the manufactured license plate(s) directly to the registrant(s).

(2) The Alabama Department of Corrections agrees to be responsible for the dissemination of data by personnel within the department. The Alabama Department of Corrections agrees to require its personnel with access to this information to sign a Disclosure Statement acknowledging that the use of the data is to be confined solely to the legitimate administration of its programs. Personnel within the Alabama Department of Corrections are to be advised that use of such data for other purposes could be a violation of the federal Driver's Privacy Protection Act; also, that the improper use of the information could constitute a violation of the Alabama Computer Crime Act. (Authority: Section 40-2A-7(a)(5), Code of Alabama 1975) (Adopted February 20, 2001, effective March 27, 2001)

810-5-2-.01 Certificate of Title Required - New Title Issued when Information on a Certificate of Title is Changed or when Correction is Required.

(1) In any case where there is a change in the information required to be shown on a certificate of title or where a correction in the information shown is necessary, a new or corrected certificate of title is required. In order to have the new or corrected certificate of title issued, the owner shall make application for a new certificate of title on form MVT 5-1, through a designated agent who will forward the completed application to the Department of Revenue, where the new certificate of title will be issued bearing a new certificate of title number.

(2) The only exception to this rule and regulation will be for an address change for which an owner shall file an address change notice on address change form MVT 1-1. The new address will be shown on the records of the Department of Revenue, but will not be shown on the outstanding certificate of title unless an application for a new certificate of title is made by the owner in accordance with the preceding paragraph. (Authority: §§32-8-1 through 32-8-87, Code of Alabama 1975, as amended, §32-8-3(a)(2))

810-5-2-.02. Certificate of Title Required - Continuance of Recorded Legends.

Any and all legends which appear on certificates of title issued by other jurisdictions to disclose a pertinent fact about a vehicle or its ownership and surrendered to this state may be continued on certificates of title issued in this state. (Adopted August 23, 1984) (Authority: §32-8-3(b)(2), Code of Alabama 1975, as amended)

810-5-2-.03. Returned Title Request Form (Form MVT 5-27).

(1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

- (2) Alabama certificates of title that have been issued by the Department and subsequently returned by the United States Postal Service as undeliverable can be returned to the owner(s) or lienholder upon receipt by the Department of a properly completed form MVT 5-27.
- (3) Information provided on form MVT 5-27 shall include: vehicle identification number, year model, make, model, name of owner(s), name of first lienholder (if any), name and mailing address where title is requested to be mailed, typed or printed name of individual requesting title, signature of individual requesting title, and date form was completed.
- (4) If anyone other than the owner(s) or lienholder completes form MVT 5-27 then the applicant must submit a power of attorney from the owner(s) or lienholder which authorizes the applicant to complete the form MVT 5-27. The power of attorney must accompany form MVT 5-27.
- (5) The Department shall maintain returned certificates of title for a reasonable period of time to be determined by the Department. The Department may issue another certificate of title to the owner(s) or lienholder upon receipt of a properly completed form MVT 5-27 in lieu of the title previously returned by the United States Postal Service.
- (6) No fee is required to be submitted with form MVT 5-27. (Authority: Sections 40-2A-7(a)(5) and 32-8-3(b)(2), Code of Alabama 1975 (Adopted November 24, 1999.))

810-5-3-.01. Exclusion - Mobile Home and Travel Trailer, and Mobile Trailer.

Every mobile home, trailer coach, travel trailer and house trailer as defined in Act 89-918, 1989 Alabama Legislature, Regular Session, and which is declared by the manufacturer of those vehicles to be a 1989 and prior year model are exempt from titling. Act 89-918 requires that only those mobile homes, travel trailers and mobile trailers declared to be a 1990 year model by the manufacturer and subsequent year models are required to be titled. (Authority: Act 89-918, 1989 Alabama Legislation, Regular Session) (Adopted April 25, 1990)

810-5-4-.01. Designated Agent - Financial Institution Appointments.

A financial institution making mortgage loans on motor vehicles, legally authorized to do business in Alabama and having a place of business in Alabama, may make application on form MVT 4-2 to become a designated agent of the Department. If the application is approved by the Commissioner of Revenue, the applicant shall enter into a bond with a corporate surety authorized to do business in this State as surety thereon, approved by the Commissioner of Revenue, payable to the State of Alabama in a sum to be determined by the Department, but in no event less than five thousand dollars (\$5,000), conditioned on the faithful performance of its duties under the Act. (Bond form MVT 4-3 is provided by the Department.) The authority for such appointments is provided in Section 4(c) of Act 765. (Authority: §32-8-3(a)(2))

810-5-4-.02. Designated Agents - Applications for Certificate of Title. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) In order to protect the fees collected with applications for certificate of title and in order to control accounts for disbursement of fees collected and in order to provide adequate instructions, forms and related material, applications for certificate of title shall not be processed and collection of fees as scheduled in the Title Law shall not be collected by anyone other than a designated agent of the Revenue Department.
- (2) In order to comply with Section 20 of Act 765, 1973 Regular Session of the Alabama Legislature, a lienholder may process applications for certificate of title and collect the required fees provided he has qualified as a designated agent of the Department of Revenue and has been assigned a designated agent account number. (Authority: §32-8-3(a)(2))

810-5-4-.03. Collection Of Designated Agent Fee for Applications for title Prepared by the Department.

- (1) A designated agent fee shall not be collected for applications for certificate of title prepared by the Department for processing title files, for replacement titles, inspections of salvage vehicles and applications by Alabama agencies.
- (2) Funds received by the Department for title processing from any source which exceeds the required \$15.00 title fee by \$1.50 or less shall be retained by the Department and deposited into the General Fund.

810-5-5-.02. Application for Certificate of Title - Requirements for Name and Address.

No certificate of title will be issued with more than two (2) names of owners and one (1) address. In the event that there are more than two (2) owners, the two (2) names and the address which will appear on the certificate, must be determined by the owners. (Authority: §32-8-3(a)(2))

810-5-5-.04. Application for Certificate of Title - Legal Name of Owner. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) The name of the owner to be shown in the application for a certificate of title shall be the legal and exact name of the owner of the vehicle for which a certificate of title is requested. Where the owner is doing business under a trade name, the trade name may be shown following the name of the individual owner.
- (2) It shall be the responsibility of the seller, the holder of a security interest and the buyer to see to it that the name of the owner is correct as shown in the application for a certificate of title and is properly identified as a corporation, partnership, association, individual, or other entity. (Authority: §32-8-3(a)(2))

810-5-5-.05. Application for First Certificate of Title - Certified Manufacturer's Statement of Origin Necessary with Application. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

A certified manufacturer's statement of origin shall be required as a supporting document with application for an Alabama certificate of title for all new vehicles purchased for first use in this State and which are required to be titled, registered, and licensed in Alabama. An application for a certificate of title for a new vehicle without the manufacturer's statement of origin will be rejected. (Authority: §32-8-3(a)(2))

810-5-5-.06. Application for Certificate of Title - Vehicle Identification Number on Application and Supporting Documents. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

If the vehicle identification number on any of the supporting documents submitted with an application for a certificate of title is different from the vehicle identification number on the application, the application and supporting documents will be returned to the designated agent for correction and clarification. (Authority: §32-8-3(a)(2))

810-5-5-.07. Application for Certificate of Title Leased Vehicles (Including Lease/Purchase Agreements).

- (1) A leasing company which leases a motor vehicle that will be based in Alabama and required to be titled in this State, shall make application to the Department of Revenue for a certificate of title. The lessor shall always be named as owner. The lessor's address shall be provided in the space for owner's mailing address and will be mailed to the

lessor at that address provided there is not a lienholder disclosed on the application. The lessor shall also provide the lessee's name and resident address in the space designated for Alabama Operator (lessee).

(2) When a security interest is perfected on a leased vehicle, the certificate of title shall be mailed to the first lienholder.

(3) Designated agent shall complete MVT 5-1C (Application for Certificate of Title) with a typewriter or printer (BLACK INK). Application must be properly completed and signed by the designated agent and owner (lessor) or attorney-in-fact of owner (lessor).

(4) Supporting Documents:

(a) Certified manufacturer's certificate of origin properly assigned to owner (lessor), or valid certificate of title either in the name of the owner (lessor) or properly assigned to the owner (lessor).

(b) Power of attorney if documents signed by an attorney-in-fact.

(c) Fee (see schedule of Fees and Commissions).

NOTE: If the lessee of a vehicle changes, the lessor shall obtain a corrected certificate of title reflecting the name and resident address of the new lessee by making application to the department and surrendering the outstanding certificate of title and required title fee. Registration records must also be updated. (Authority: Sections 32-8-1 through 32-8-88, Code of Alabama 1975.) (Adopted effective December 10, 1997.)

810-5-5-.08. Application for First Certificate of Title - Outstanding, Out-of-State, Surrendered Title Required as Supporting Document. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

When a motor vehicle enters this state from a title state and an application is made for an Alabama certificate of title, the original out-of-state title or a negotiable duplicate (replacement) title, shall be attached to the application as a supporting document. An affidavit of lost title will not be accepted as proof of ownership. (Authority: §32-8-3(a)(2))

810-5-5-.09. Application for First Certificate of Title - Dealer Demonstrators.

Since the term "new vehicle" is defined under Section 32-8-2 (11) supra as "a motor vehicle which has never been the subject of a first sale for use" and since a "new vehicle demonstrator" used solely for the purpose of demonstrating vehicles for sale has never been the subject of a first sale for use, the designated agent shall identify such vehicle as a "new demonstrator" when sold for first use by placing an "X" in the space for Demo in the New-Used-Demo indication on the application for a certificate of title. The application must have as supporting documents the Manufacturer's Certificate of Origin properly assigned to the new owner, a notarized or certified copy of the Bill-of-Sale disclosing that the vehicle was sold as a demonstrator and, if the assignment area of the Certificate of Origin does not conform to the odometer disclosure requirements of the Federal Truth-in-Mileage Act of 1986, a separate and completed conforming Federal odometer statement from the selling dealer to the applicant must accompany the application for title. (Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended) (Authority: §32-8-2, Code of Alabama 1975) (Adopted September 25, 1990)

810-5-5-.10. Application for Certificate of Title - Corrections on an Application for Certificate of Title by the Department. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

Authorized employees of the Department may make corrections in the vehicle information portion of an application when the information furnished in error is not an obvious attempt to defraud. No corrections will be made which will effect the validity of the application or jeopardize the prosecution of an applicant furnishing information with intent to defraud. All corrections must be

proved necessary by supporting documents. No corrections will be made to the owner information or lienholder information portion of an application for certificate of title since this information must be provided by an applicant who would be subject to prosecution on a felony charge where false information is furnished in these areas. (Authority: §32-8-3(a)(2))

810-5-5-13. Application for Certificate of Title - Certification of Physical Inspection of a Motor Vehicle on Application for Certificate of Title. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) The application for certificate of title, Form MVT 5-1, is a multi-purpose form required for various transactions. A new application is necessary for each transaction which requires that a new title be issued. A new title with a new number revokes any previous title.
- (2) A physical inspection of a motor vehicle and verification of the vehicle identification number and the descriptive data shown on the application is required only for first certificates of title, including certificates of title for the following:
 - (a) New Vehicles - Application for first title.
 - (b) Out-of-State Vehicles - Brought into Alabama requiring registration and titling in this State and surrendering of out-of-state title.
 - (c) Other Vehicles - Not currently titled in Alabama and subject to registration and titling in this State.
- (3) Where a currently valid Alabama certificate of title to a motor vehicle is assigned to a new owner, the designated agent processing an application for title for the new owner is not required to physically verify the motor vehicle identification number and description of the vehicle. In such a case, the signature of the designated agent on the application is his certification that the motor vehicle identification number and description shown on the new application are identical to the motor vehicle identification number and description in the certificate of title assigned to the new owner and that he has positively identified the new owner and witnessed his signature on the application for the new title.
- (4) The application for a certificate of title, Form MVT 20-1, may only be used as a notice of security interest to record a lien on a vehicle previously titled in Alabama. This form is designed for use by a lienholder not qualified as a designated agent and it cannot be used in a transfer of ownership. (Authority: §32-8-3(a)(2))

810-5-6-.01. Issuance and Records - Abbreviations Used in Data Entry. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

Where the information describing a motor vehicle or the name and/or address of an owner, dealer, lienholder or designated agent is too long to be recorded because of the mechanical limitations of computer entry and record keeping, the Department may use abbreviations where necessary. (Authority: §32-8-3(a)(2))

810-5-7-.01. Use of Duplicate Copy of Application as Permit to Operate Motor Vehicle. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

The duplicate copy of an application for a certificate of title will serve the owner of a motor vehicle as a permit for its operation until the Department either issues a certificate of title for such motor vehicle or refuses to issue a certificate. A designated agent receiving an application for a certificate of title, when the provisions of this Act have been otherwise complied with, shall deliver to the applicant a duplicate copy of his application which will be his authorization to register and license the vehicle in Alabama. (Authority: §32-8-3(a)(2))

810-5-8-.01 Issuance of Certificate of Motor Vehicle Liability Bond.

(1) Section 32-7A-4, Code of Alabama 1975, provides an alternative to motor vehicle liability insurance requirements for motor vehicles covered by a "motor vehicle liability bond" and "shall be a sum of not less than fifty thousand dollars (\$50,000.00)

(2) The "Motor Vehicle Liability Bond" (Form MV-MLI-004) shall be filed with the Department of Revenue's Motor Vehicle Division. The bond must be executed by a company qualified to conduct a surety business in Alabama, and shall be conditioned on the payment of the amount of any judgement rendered against the principal in the bond or any person responsible for the operation of the principal's motor vehicle with his or her express or implied consent, arising from injury, death, or damage sustained through the use, operation, maintenance, or control of the motor vehicle within the State of Alabama.

(3) In order to prove their coverage, persons who purchase a motor vehicle liability bond, shall carry within each vehicle the "Motor Vehicle Liability Bond Certificate" (Form MV-MLI-005) (or legible copy thereof) as issued by the Department of Revenue. The "Motor Vehicle Liability Bond Certificate" shall contain the vehicle identification number.

(4) The "Motor Vehicle Liability Bond Certificate" (or legible copy thereof) shall be displayed upon request by any law enforcement officer as provided under Section 32-7A-6(h) in order for the officer to ascertain that the vehicle owner or operator is covered under the provisions of Chapter 7A of Title 32. If the owner refuses or fails to provide proof of exemption as provided in this rule, the person shall be in violation of Section 32-7A-16.

(5) In the event that the person to whom a "Motor Vehicle Liability Bond Certificate" is issued, elects to and does terminate the bond, the person is canceled by the surety, or the bond otherwise becomes invalid, the owner or operator shall obtain insurance coverage as provided by Chapter 7A of Title 32. Anyone who cancels or has his/her liability bond canceled shall not display the "Motor Vehicle Liability Bond Certificate" (or legible copy thereof). Anyone displaying a "Motor Vehicle Liability Bond Certificate" knowing the Certificate has been canceled or knowing the Certificate is illegally altered, counterfeit or otherwise invalid, is in violation of Section 32-7A-16. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA March 22, 2001, effective April 26, 2001)

810-5-8-.02 Issuance of Certificate of Cash Bond and Satisfaction of Judgements.

(1) Section 32-7A-4, Code of Alabama 1975, provides an alternative to motor vehicle liability insurance requirements for motor vehicles covered by a "deposit of cash with the State Treasurer" and "shall be a sum of not less than fifty thousand dollars (\$50,000.00)." "Application for Cash Bond Certificate" (Form MV-MLI-001) will be submitted to the department specifying the owner's name, Alabama certificate of title number if applicable, and vehicle identification number.

(2) Persons who deposit cash with the State Treasurer in the amount of not less than fifty thousand (\$50,000.00) are covered by a certificate of cash bond, in order to prove their coverage, shall carry within each vehicle the "Cash Bond Certificate" (Form MV-MLI-002) (or legible copy thereof) as issued by the Department of Revenue. The "Cash Bond Certificate" shall contain the vehicle identification number.

(3) The "Cash Bond Certificate" (or legible copy thereof) shall be displayed upon request by any law enforcement officer as provided under Section 32-7A-6(h) in order for the officer to ascertain that the vehicle owner or operator is covered under the provisions of Chapter 7A of Title 32. If the owner refuses or fails to provide proof of exemption as provided in this rule, the person shall be deemed in violation of Section 32-7A-16.

(4) In the event that the person to whom a "Cash Bond Certificate" is issued elects to and does withdraw his/her cash deposit from the State Treasurer, the owner or operator shall obtain insurance coverage as required by Chapter 7A of Title 32. Anyone who withdraws his/her cash deposit from the State Treasurer shall not display the "Cash Bond Certificate" (or legible copy thereof). Anyone displaying a "Motor Vehicle Liability Bond Certificate" knowing the Certificate has been canceled or knowing the Certificate is illegally altered, counterfeit or otherwise invalid, is in violation of Section 32-7A-16.

(5) In the event that the minimum principal of fifty thousand dollars (\$50,000.00) is drawn upon as a result of any judgement rendered against the principal in the cash bond or any person responsible for the operation of the principal's motor vehicle with his or her express or implied consent, arising from injury, death, or damage sustained through the use, operation, maintenance, or control of the motor vehicle within the State of Alabama; and the principal is reduced to an amount less than the fifty thousand dollars (\$50,000.00) required by Section 32-7A-4, he/she will, within 30 calendar days, deposit cash with the State Treasurer in an amount sufficient to meet the requirements of Section 32-7A-4.

(6) In the event that the person to whom a "Cash Bond Certificate" is issued elects to withdraw the funds deposited with the State Treasurer, that person will do so on Cash Bond Withdrawal Request (Form MV-MLI-003). These funds will be held for a period of sixty (60) calendar days prior to the release of the funds. If during this sixty day period, the department is notified of pending litigation of judgement rendered against the principal in the cash bond or any person responsible for the operation of the principal's motor vehicle with his or her express or implied consent, arising from injury, death, or damage sustained through the use, operation, maintenance, or control of the motor vehicle, said funds will be held until such time that all pending claims against the fund has been resolved. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA April 26, 2001)

810-5-8-.03 Use of Motor Numbers on Insurance Cards and Other Proof of Liability Insurance in Lieu of Vehicle Identification Numbers. Section 32-7A-6(b)(3) and (f)(8), Code of Alabama 1975, requires the Vehicle Identification Number to be shown on insurance cards, insurance binders, certificates of liability insurance, and premium receipts. However, as vehicle manufacturers have not always placed vehicle identification numbers on motor vehicles, and motor numbers were used as the vehicle identifier for many decades, the motor number may be used in lieu of the Vehicle Identification Number if the insured vehicle does not have a Vehicle Identification Number and the vehicle is not subject to the provisions of the Alabama Certificate of Title and Antitheft Act. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA March 22, 2001, effective April 26, 2001)

810-5-8-.04 Registration Denial–Mandatory Liability Insurance Law.

(1) If a vehicle owner, or someone authorized to register a motor vehicle on behalf of the owner, informs the official authorized to issue motor vehicle license plates that the vehicle is not insured pursuant to Section 32-7A-4, Code of Alabama 1975, (and the vehicle is not exempt from insurance requirements), the official shall refuse to register the motor vehicle(s).

(2) If a vehicle owner, or someone authorized to register a motor vehicle on behalf of the vehicle owner, fails or refuses to affirm that the vehicle(s) for which registration is being sought is insured, the registration official shall refuse to register the motor vehicle(s).

(3) If a vehicle owner, or someone authorized to register a motor vehicle on behalf of another, submits a renewal application through the mail without affirmation of insurance, the registration official shall refuse to register the motor vehicle(s).

(4) In the event someone other than the vehicle owner is authorized to register a vehicle, and that individual does not know if the vehicle is insured in accordance with Alabama law, the official authorized to issue motor vehicle license plates shall refuse to register the vehicle until the authorized individual is able to positively affirm that the vehicle is insured.

(5) In the event that a vehicle owner, or someone authorized to register a motor vehicle on behalf of the vehicle owner, informs that an insurer not qualified to transact business in Alabama insures the vehicle, the official shall refuse to register the vehicle.

(6) In the event that a vehicle owner, or someone authorized to register a motor vehicle on behalf of the vehicle owner, informs that the vehicle(s) for which registration is sought is exempt from insurance requirements pursuant to Section 32-7A-5, the official may require evidence that an exemption is applicable to the vehicle(s), and, if no evidence is provided, the official may refuse to register the vehicle until such evidence of exemption is produced and provided to the official.

(7) If an official denies registration, and subsequently the vehicle owner, or someone authorized to register a motor vehicle on behalf of the vehicle owner, is able to affirm that the vehicle(s) is insured to the satisfaction of the official, then the official may issue the registration. If the delay in registering the vehicle places the vehicle owner into a delinquency situation, the appropriate penalties, interest, etc., must be collected as a prerequisite to the issuance of the registration. Furthermore, if the registration is denied, the vehicle owner may incur law enforcement sanctions if the vehicle is operated with an expired registration or without registration credentials.

(8) In the event it is determined that a vehicle owner, or someone authorized to register a motor vehicle on behalf of the vehicle owner, provides an affirmation of insurance when the vehicle is not insured, the vehicle owner, upon conviction, may be subject to the sanctions of Section 40-12-8 for "knowingly making a false affidavit or certificate in connection with...anything in this state for which a license is required...." (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA March 22, 2001, effective April 26, 2001)

810-5-8-.05 Information to be Shown on Insurance Cards.

(1) Insurance companies issuing motor vehicle liability insurance policies shall, at a minimum, list on their insurance cards the following information:

(a) The vehicle year model;

(b) The vehicle make;

(c) The vehicle identification number (VIN) - unless the card is issued for a fleet policy or for a non-vehicle owner as provided in Section 32-7A-6(c);

(d) The name of the insured(s);

(e) The National Association of Insurance Commissioners (NAIC) code of the insurer;

(f) The policy number;

(g) The effective date and expiration date, which shall cover a period of time not to exceed 12 months.

(2) These provisions shall be effective January 1, 2001. Provided, the provision regarding the NAIC code shall be effective as insurers issue or reissue insurance cards during 2001 and thereafter.

(3) Nothing in this rule shall preclude insurers from adding other information on the insurance card.

(4) Temporary insurance cards shall not be required to have the policy number but shall contain all other required information.

(5) Insurers shall not issue a card similar in appearance, form and content to the insurance card required in Section 32-7A-6 in connection with an insurance policy that does not provide the insurance coverage required under Section 32-7A-4, Code of Alabama 1975. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA April 26, 2001, effective May 31, 2001)

810-5-8-. 06 Affirmation of Motor Vehicle Liability Insurance.

(1) Section 32-7A-10(d), Code of Alabama 1975, provides "officials authorized to issue motor vehicle license plates shall require an affirmation that the owners are in compliance with the liability insurance requirements of this chapter on each registration and on each transfer of registration."

(2) The Department will place in an appropriate location on the Motor Vehicle Registration Tag and Tax Receipts an affirmation which will read, or substantially read as follows: "I/we certify/affirm that the information contained hereon is true and correct and that the vehicle described above is insured as required by Alabama law.

(3) Vehicle owners, when registering, renewing, or transferring their motor vehicle registration, by signing the Motor Vehicle Registration Tag and Tax Receipt, shall be affirming that the vehicle is currently insured in accordance with the provisions of Section 32-7A-4. Vehicle owners with fleet vehicles may sign an affirmation document listing all vehicles currently being registered as an alternative to signing each Registration Tag and Tax Receipt as affirmation, provided that the document contains the affirmation language shown in paragraph (2).

(4) If the motor vehicle is owned by more than one individual, only one signature by a vehicle owner is required.

(5) If the vehicle is being registered by someone other than an individual owner, the individual signing the Motor Vehicle Registration Tag and Tax Receipt must have personal knowledge that the vehicle is currently insured with a motor vehicle liability insurance policy (or that the vehicle is covered by a motor vehicle liability bond or a deposit of cash). County license plate issuing officials shall accept the signature provided on the receipt as *prima facie* evidence that the vehicle is insured, and may accept the signature as a proper affirmation of insurance.

(6) In accordance with Section 32-7A-10(d), county license plate issuing officials providing registration renewal by mail utilizing a renewal notice shall place on the renewal notice the above affirmation language with a signature line for the owner "to indicate compliance when renewing registration by mail."

(7) County license plate issuing officials offering Internet renewal shall provide a method wherein vehicle owners can electronically "sign" the affirmation of insurance.

(8) Registrants securing apportioned license plates pursuant to the International Registration Plan shall provide the affirmation by signing Schedules B or C, whichever is applicable, which shall contain the above affirmation.

(9) Motor vehicle dealers, in securing dealer license plates, are exempt from the provisions of Chapter 7A of Title 32, and thus are not required to submit an affirmation of insurance. Motor vehicle dealers, and other exempt entities specified in Section 32-7A-5, should sign the Registration Tag and Tax Receipt certifying that the information thereon is true and correct and that they meet the exemption requirements of Chapter 7A of Title 32.

(10) Motor vehicle manufacturers shall affirm on the registration receipt, or otherwise, that a motor vehicle liability policy is in effect for the manufacturer license plates issued by the Department's Taxpayer Service Center personnel when the license plates are issued. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA March 22, 2001, effective April 26, 2001)

810-5-8-.07 Providing Listings to County Officials of Vehicles Suspended Under Insurance Laws; Refusing Registration to Owners of Suspended Vehicles; Confidentiality of Information Regarding Suspended Persons.

(1) Pursuant to Section 32-7A-10(a), Code of Alabama 1975, the Department will provide a current list of owners whose license plates have been suspended pursuant to Section 32-7A-9 to officials responsible for license plate issuance. License plate issuing officials or the Department, at its discretion, may further furnish the list to the officials of his county responsible for assessing and collecting ad valorem taxes on motor vehicles. This listing may be provided electronically or through other procedures.

(2) Counties shall refuse to register, reregister or transfer the registration of any license plate shown on the listing. If someone is suspended for a specific license plate number, the issuing official is not authorized to issue a new license plate, replacement license plate, or distinctive or personalized license plate to the vehicle, unless the ownership of the vehicle has changed.

(3) If the registration of a vehicle shown on the listing of suspended vehicles has been updated on the state database as being reinstated by the Department, the county may issue the registration, reregistration or transfer as requested. Issuing officials are not authorized to issue registrations based on comments or documents from the vehicle owner that the reinstatement fee has been paid and proof of insurance has been furnished to the Department.

(4) The decision by the license plate issuing official to deny registration for someone who has been suspended by the Department for failing to maintain motor vehicle liability insurance may not be appealed. This is because the vehicle owner had already been afforded the opportunity to appeal the decision by the Department to suspend the registration as provided under Section 32-7A-3(d), which allows the owner a 30 calendar day period to appeal a suspension "after the rendition of any suspension."

(5) The Department interprets the provisions of Section 32-7A-10(b), providing for the refusal to register, as being a mandatory action of the issuing official. If it is found that such official registered the vehicle contrary to the provisions of Section 32-7A-10(b), said official could lose the immunity provided in Section 32-7A-13.

(6) County officials receiving information concerning the registration suspension or reinstatement status of any person shall be responsible for the confidentiality of the information

pursuant to Section 32-7A-21. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA March 22, 2001, effective April 26, 2001)

810-5-8-.08 Refunds of Reinstatement Fees Generally; Refund Request Forms; Procedures to Appeal Denial of Requests for Refund of Reinstatement Fees.

(1) Section 32-7A-9(e), Code of Alabama 1975, provides that "refunds of reinstatement fees shall be granted in cases of duplicate payment, or as approved by the department." Anyone who is denied a refund of the reinstatement fee may appeal the denial to the administrative law judge pursuant to Section 40-2A-8, Code of Alabama 1975.

(2) Anyone seeking the refund of reinstatement fees paid shall complete an Application for Refund of Reinstatement Fees (Form MV-MLI-006) and submit the application to the Department for processing. In completing the Form, detail must be provided as to the reason the requester believes that he/she is entitled to the refund and any supporting evidence be provided (for example, provide copies of two separate remittances for the reinstatement of the same vehicle).

(3) The Department shall not approve the following requests for the refund of reinstatement fees:

(a) The vehicle has been sold.

(b) The vehicle's ownership was changed to another entity, such as a corporation or one's spouse or dependent, and the vehicle is now covered by liability insurance.

(c) The vehicle has been moved to a location outside Alabama, and is now registered in another jurisdiction.

(d) The vehicle has been wrecked and totaled, is junked, or is placed into storage.

(e) The petitioner, after having paid the reinstatement fee, and after having provided proof of insurance, is subsequently canceled by his/her insurance company and thus is not able to legally operate the vehicle.

(f) Other situations where reinstatement fees were paid for an uninsured, suspended vehicle.

(4) If the Department disapproves the refund request, the petitioner shall be informed in writing of the denial. The petitioner may then appeal the denial to the Administrative Law Judge pursuant to Section 40-2A-8. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA March 22, 2001, effective April 26, 2001)

810-5-8-.09 Affirmation of Motor Vehicle Liability Insurance for Apportioned Vehicles; Driver's License or FEIN Required; Registration Denial.

(1) Section 32-7A-10(d), Code of Alabama 1975, provides "officials authorized to issue motor vehicle license plates shall require an affirmation that the owners are in compliance with the liability insurance requirements of this chapter on each registration and on each transfer of registration." Section 32-7A-10(c) provides that with the effective date of this Section, all officials authorized by law to issue motor vehicle license plates shall obtain, when issuing or transferring motor vehicle registrations, the Alabama driver's license number of the owner, of the vehicle, or, if the owner does not have a driver's license number, the identification card number as provided

under Section 32-6-4, Code of Alabama 1975, or for a company or other entity, the federal employer identification number.”

(2) The Department will place in an appropriate location on the applications for apportioned vehicle registration an affirmation which will read, or substantially read as follows: “I/we certify/affirm as registrant or the legal representative of the registrant, that the information contained hereon is true and correct and that I have personal knowledge that the vehicle(s) described within this application are either exempt from insurance requirements due to being subject to supervision and regulation of the Alabama Public Service Commission or are insured as required by Alabama law.”

(3) The Department will also place on the application form an area for the registrant to list this federal employer identification number (FEIN); provided, if a registrant does not have a FEIN, the registrant shall provide in the designated area his Alabama driver's license number, and if the registrant does not have an Alabama driver's license, but is licensed in another jurisdiction, the registrant shall indicate in the designated area the jurisdiction in which the driver's license is issued.

(4) Registrants, when registering, renewing, or transferring their motor vehicle registration(s), by signing the apportioned applications, shall be affirming that the vehicle(s) is currently insured in accordance with the provisions of Section 32-7A-4, or is exempt from insurance requirements pursuant to Section 32-7A-5(3).

(5) The individual signing the apportioned registration application must have personal knowledge that the vehicle(s) is either (a) exempt from insurance requirements, or (b) currently is insured with a motor vehicle liability insurance policy (or that a motor vehicle liability bond or a deposit of cash covers the vehicle). Motor Vehicle Division personnel shall accept the signature on the apportioned applications as *prima facie* evidence that the vehicle(s) shown thereon is either exempt from insurance requirements or that the vehicle(s) are insured as required in Chapter 7A of Title 32.

(6) If a registrant or his or her legal representative fails to sign an application for apportioned registration (and the affirmation of insurance), or the application does not contain the insurance affirmation, the registrant may provide a separate affirmation document, which the Department may at its discretion accept as an affirmation of insurance. If a registrant fails or refuses to sign the application/affirmation of insurance, and does not provide a separate affirmation document, the Department shall refuse to register the vehicle(s) or transfer the registration.

(7) If a registrant fails or refuses to provide the federal employer identification number, or, if none, the registrant's Alabama driver's license number or identification card number as provided under Section 32-6-4, or if licensed outside Alabama, the jurisdiction where licensed, the Department shall refuse to register or transfer the vehicle(s) contained within the application.

(8) If the Motor Vehicle Division begins offering Internet renewal of apportioned registration, a method shall be provided wherein vehicle owners can electronically “sign” the application and affirmation of insurance and provide the federal employer identification number, Alabama driver's license or ID card number, or jurisdiction where licensed.

(9) The provisions of this rule shall become effective January 1, 2001. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA March 22, 2001, effective April 26, 2001)

810-5-8-.10 Random Sampling, Questionnaire Form, Notice of Suspension, and Procedures to be Followed.

(1) In accordance with Section 32-7A-7(a), Code of Alabama 1975, beginning in January 2001, the Department of Revenue, or its designee, will randomly select a percentage of Alabama's motor vehicle registrations.

(2) On a weekly basis, or as the Department determines, the randomly selected vehicle owners will be mailed a Mandator Liability Insurance Questionnaire (Form # MV-MLI-1) to be completed and returned to the Department "within 30 calendar days after the department mails a request." [Section 32-7A-7(e)]

(3) If the vehicle owner was insured by a company qualified to transact business in Alabama on the verification date shown on the questionnaire for the vehicle and vehicle license plate identified on the questionnaire, the vehicle owner is required to provide on the questionnaire the following information:

(a) The name of the insurance company that is qualified to transact business in Alabama;

(b) NAIC Number of the insurance company (if available on the insurance card);

(c) The address of the insurance company, including city, state, and zip code;

(d) The insurance company telephone number;

(e) The insurance policy number issued to the vehicle shown on the questionnaire;

(f) The effective date of the insurance policy;

(g) The policy expiration date.

(4) If the vehicle listed on the questionnaire was not insured on the date shown on the questionnaire, the vehicle owner is to provide an explanation as to why the vehicle was not insured as required by Section 32-7A-4. If the vehicle is exempt from insurance requirements pursuant to Section 32-7A-5, the vehicle owner is to provide details of the exempt status in the "NO" block of the questionnaire.

(5) The vehicle owner, or his/her authorized representative, is required to sign the questionnaire in the place provided on the questionnaire.

(6) The Department must receive the required questionnaire information within 30 calendar days of the verification date shown on the questionnaire form by one of the following methods:

(a) By entering information "on-line" at the Department's website and electronically transmitting it to the Department; or

(b) Faxing the questionnaire to the telephone number shown on the questionnaire; or

(c) Mailing the questionnaire to the address shown on the postage paid envelope.

(7) In accordance with Section 32-7A-7(f), any vehicle owner failing to respond to the questionnaire "shall be deemed to have registered or maintained registration of a motor vehicle in violation of Section 32-7A-4," and the Department may suspend the registration.

(8) Also, in accordance with Section 32-7A-7(f), if the vehicle owner indicates on the questionnaire that the vehicle "was not covered by a liability insurance policy in accordance with Section 32-7A-4," and/or does not provide a valid reason for exemption, the Department shall deem the vehicle to have been registered or registration maintained in violation of Section 32-7A-4, and the Department may suspend the registration.

(9) In accordance with Section 32-7A-7(g), if the vehicle owner responds to the questionnaire "by asserting that his or her vehicle was covered by a liability insurance policy on the verification date stated in the department's request, the department may conduct a verification of the response by furnishing necessary information to the insurer named in the response." If the insurer fails to respond within 30 calendar days or responds that the vehicle listed on the questionnaire was not insured by the insurer in accordance with Section 32-7A-4, the Department may suspend the registration.

(10) If a vehicle owner responds that the vehicle shown on the questionnaire has been sold or otherwise disposed of prior to the verification date, the Department may elect to place the registration or vehicle owner's name into a pool for subsequent verification of any vehicle owned by the owner.

(11) The Department is of the opinion that insurance information received from owners at the time of reinstatement should be processed the same as information received from insurance questionnaires. Accordingly, the Department may conduct a verification of insurance by furnishing necessary information to the insurer. If the insurer fails to respond within 30 calendar days or responds that the vehicle listed for verification was not insured by the insurer in accordance with Section 32-7A-4, the Department may suspend the registration.

(12) Section 32-7A-8 provides that "the department shall notify the owner that such owner's vehicle registration shall be suspended 45 calendar days after the date of the mailing of the notice unless the owner within 30 calendar days furnishes proof of insurance in effect on the verification date, as prescribed by the department. The notice shall be in writing and shall be mailed by first class U.S. Postal Service or by certified mail, return receipt requested, to the owner's last known address." The Department will provide a "Notice of Suspension" (Form MV-MLI-2) to anyone whose registration is suspended pursuant to Chapter 7A of Title 32. The notice provides information to the vehicle owner regarding the suspension, including why the suspension was entered, the effective date of the suspension, the earliest date the suspension may be removed (unless a determination is made that the suspension should not have been implemented by the Department), and the fee required to end the suspension. The notice provides additional information as to what procedures the vehicle owner must do to have his vehicle's registration reinstated.

(13) If a vehicle owner receives the "Notice of Suspension" and the vehicle was insured pursuant to Section 32-7A-4 on the verification date, or was exempt from insurance requirements on the verification date pursuant to Section 32-7A-5, the owner may return the lower portion of the "Notice" with the following information completed:

(a) The name of the insurer who is qualified to transact business in Alabama;

- insurance card);
- (b) The NAIC Number of the insurance company (if available on the insurance card);
 - (c) The address of the insurance company, including city, state, and zip code;
 - (d) The insurance company telephone number;
 - (e) The insurance policy number issued to the vehicle shown on "Notice of Suspension;"
 - (f) The effective date of the insurance policy;
 - (g) The policy expiration date;
 - (h) If exempt from insurance requirements, an explanation is required.

(14) If the vehicle owner did not have insurance for the vehicle, the vehicle owner may provide comments in the designated area for consideration by the Department. The owner must sign and return the lower portion of the notice to the Department before the effective date of the registration suspension in order for the suspension to be reviewed and evaluated. Provided, the vehicle owner may elect to respond to the "Notice of Suspension" via the options provided above in paragraph 6. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA August 16, 2001)

810-5-8-.11 Administratively Removing Suspensions.

(1) In the event a vehicle owner receives a motor vehicle registration suspension and the owner subsequently provides to the Department evidence of motor vehicle liability insurance for the suspended vehicle that was in effect on the verification date, the Department may then remove the suspension without requiring the payment of the reinstatement fee provided in Section 32-7A-9, Code of Alabama 1975. Provided, the insurer must be qualified to transact business within the State of Alabama.

(2) In the event a vehicle owner receives a vehicle registration suspension, and the owner subsequently provides to the Department evidence of the owner's exemption from insurance requirements, the Department may then remove the suspension without requiring the payment of the reinstatement fee provided in Section 32-7A-9.

(3) Until the Department reinstates the suspended vehicle, the vehicle may not be operated on the streets or highways. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (History: Adopted through APA July 12, 2001, effective August 16, 2001)

810-5-9-.01 International Fuel Tax Agreement. Pursuant to the authority granted the Commissioner of Revenue under Section 40-17-271(c) of the Code of Alabama 1975, the Commissioner hereby incorporates into this rule, by its reference, the following documents: The Articles of Agreement of the International Fuel Tax Agreement (IFTA), the IFTA Procedures Manual, and the IFTA Audit Manual (effective July 1, 1998), each in its entirety, with all modifications and revisions previously and henceforth to be adopted. A complete and current copy of each document shall be maintained for public inspection at the offices of the Alabama Department of Revenue, Motor Vehicle Division, Room 1216, Gordon Persons Building, 50 N Ripley Street, Montgomery, Alabama 36132. (Authority: Sections 40-2A-7(a)(5) and 40-17-271(c)) (History: Adopted through APA November 28, 2001, effective January 2, 2002)

810-5-9-.02 Base Jurisdiction Determination for Applicants Under the International Fuel Tax Agreement and Qualified Motor Vehicle Defined.

(1) "Base Jurisdiction" means the jurisdiction where qualified motor vehicles are based for vehicle registration purposes.

(2) In determining if the base jurisdiction for IFTA credentialing purposes is Alabama, an applicant must be able to provide an affirmative answer to the following questions:

(a) Does the carrier have an established place of business in Alabama?

(b) Are operational control and operational records maintained in Alabama for the qualified motor vehicles?

(c) In what jurisdiction is the applicant's qualified motor vehicle(s) registered under the International Registration Plan?

(3) In order for Alabama to be designated as the base jurisdiction, there must be accrued travel in Alabama by "qualified motor vehicles."

(4) Article II, Section 245 of the International Fuel Tax Agreement defines the term "Qualified Motor Vehicle" as "a motor vehicle used, designed, or maintained for transportation of persons or property" and:

(a) Having two axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds or 11,797 kilograms; or

(b) Having three or more axles regardless of weight; or

(c) Is used in combination, when the weight of such combination exceeds 26,000 pounds or 11,797 kilograms gross vehicle or registered vehicle weight.

"Qualified Motor Vehicle does not include recreational vehicles." (Authority: Sections 40-2A-7(a)(5) and 40-17-271(c)) (Adopted through APA November 28, 2001, effective January 2, 2002)

810-5-9-.03 Filing an Application with the Base Jurisdiction.

(1) An applicant desiring to, and qualified to, obtain Alabama IFTA credentials is required to annually complete an *Application for License*, FORM MV: IFTA-1, and submit the application to the Alabama Department of Revenue, Motor Vehicle Division, IFTA Section.

(2) The IFTA license year is January 1 through December 31. IFTA allows carriers a two-month renewal grace period to affix IFTA decals to all qualified motor vehicles in the fleet. The grace period begins January 1 of the next calendar year and ends February 28 (February 29th in leap years); provided, if the last calendar day of February falls on a Saturday, Sunday, or holiday, the grace period is extended through the first work day in March.

(3) The following information must be provided by the applicant on the *Application for License*, FORM MV: IFTA-1, before Alabama IFTA credentials may be issued:

(a) Applicant's Legal Name. If the business is individually owned, enter the owner's name. If the business is a partnership, enter the legal name of the partnership. If the business is a corporation, enter the legal name exactly as it is registered with the Secretary of State for the State of Alabama. If the business is a limited liability corporation (LLC) enter the legal name of the LLC.

(b) Applicant's Federal Employer's Identification Number (FEIN) or, in the event the applicant is an individual just beginning business, and has not yet received the business FEIN, the Social Security Number;

(c) International Registration Plan (IRP) Account Number, if applicable;

(d) USDOT Number, if applicable;

(e) Trade Name, if applicable;

(f) Application Type. Indicate whether the application is an original or renewal;

(g) Mailing Address;

(h) City;

(i) State;

(j) Zip Code;

(k) Applicant's Telephone Number, including the area code;

(l) Applicant's Fax Number, if applicable, including the area code;

(m) Contact Person. This should be an individual who can answer questions regarding the application and/or IFTA quarterly fuel use tax reports;

(n) Business Address (Physical Location). P.O. Boxes are not permitted as part of the Business Address. The applicant must indicate the Alabama county where the business is located. The business location must be within the State of Alabama.

(o) Type of Ownership. Indicate whether the business is owned by an individual, partnership, corporation, LLC or other type of entity, specifying the entity type;

(p) Owner(s) Information. List all partners, corporate officers, or managing members. Include the title of the individual(s) listed and home addresses. Social Security Numbers are optional;

(q) Types of Fuel Used;

(r) Number of qualified motor vehicles in the fleet;

(s) Whether an IFTA license from a jurisdiction other than Alabama has been obtained since January 1, 1996. If yes, list the jurisdiction(s) from which licenses were obtained;

(t) Whether the IFTA license has ever been suspended or revoked. If yes, list the jurisdiction(s) in which the suspension or revocation occurred;

(u) Whether someone other than the owner or company employee prepares and signs the IFTA quarterly fuel use tax report. If yes, provide the name, address, and telephone number of the preparer.

(v) The number of qualified motor vehicles requiring IFTA decals and the appropriate decal fee due;

(w) The jurisdictions in which the qualified motor vehicles will operate. The applicant must operate the qualified motor vehicles in at least two IFTA jurisdictions in order to qualify under the provisions of the Agreement;

(x) The jurisdiction(s) in which bulk fuel storage is maintained, if applicable;

(y) Signature. The application must be signed by all partners, one corporate officer, or a managing member listed in item 10 on the *Application for License* form. If the entity is a limited liability corporation (LLC), an authorized agent listed in item 10 may sign the application. If the business is a sole proprietorship, the owner must sign the application. All signatures must be original; photocopies and faxed copies will be returned.

(4) Failure on the part of the applicant or the applicant's representative (e.g., reporting services) to provide all information requested on the *Application for License* form will result in the application being rejected and returned to the applicant for correction.

(5) Applicants will complete the *Application for License*, FORM MV: IFTA-1, regardless of whether the application is for an original or renewal of an Alabama IFTA license.

(6) In order for an application for a renewal Alabama IFTA license to be approved, the applicant must not have any delinquent IFTA quarterly fuel use tax reports or outstanding liabilities.

(7) The fee for a set of Alabama IFTA decals is to be determined annually by the Commissioner of Revenue, to recover reasonable administrative costs in administering the International Fuel Tax Agreement. The fee must be remitted to the Alabama Department of Revenue, IFTA Section, with the completed *Application for License* form. Failure to remit the decal fee will result in the application being rejected.

(8) Applicants may request extra IFTA decals in anticipation of adding additional qualified motor vehicles to their fleet; however, at the time of audit, the licensee will be required to account for all decals issued, including providing the auditor with the actual unused decals.

(9) Rejected applications, along with the remittance for decals, will be returned, by the Department, to the mailing address provided on the application, accompanied by Form MV:IFTA-REJECT outlining the reason(s) the application was rejected. (Authority: Sections 40-2A-7(a)(5) and 40-17-271(c)) (Adopted through APA November 28, 2001, effective January 2, 2002)

810-5-9-.04 IFTA License Design and Content.

(1) The base jurisdiction is required to issue one IFTA license to each licensee. The licensee is required to make legible copies of the license, and place one legible copy in each

qualified motor vehicle. The original license is to be maintained at the licensee's place of business.

(2) The IFTA license shall be approximately 3 ½ X 8 ½ inches, and shall contain the following information:

- (a) Base jurisdiction information;
 - (b) Licensee account identification number;
 - (c) Effective date of license (month, day, year);
 - (d) Expiration date of license (month, day, year);
 - (e) Licensee's name, DBA (if applicable), and mailing address;
- (3) The information appearing on the license shall be machine printed.
- (4) The license is valid for the current calendar year ending December 31.

(5) Any qualified motor vehicle operating without a copy of the IFTA license in the vehicle is to be considered operating in violation of the International Fuel Tax Agreement. The vehicle operator will be subject to the purchase of trip permits, citations, or both. (Authority: Sections 40-2A-7(a)(5) and 40-17-271(c)) (Adopted through APA November 28, 2001, effective January 2, 2002)

810-5-9-. 05 Credentials in Lieu of IFTA Decals.

(1) Definitions. The following terms have the meanings ascribed to them for the purposes of this rule or regulation.

(a) Temporary permit. A permit issued by the base jurisdiction or its agent to be carried in a qualified motor vehicle in lieu of displaying the annual decals. A temporary permit is valid for a period of 30 days to give the carrier adequate time to affix the annual decals. The temporary permit is vehicle specific, and allows carriers to travel in all IFTA jurisdictions.

(b) Trip permit. A permit (Form NRLTD:IMC-7DP) issued by IFTA jurisdictions, or their agents to be carried in a qualified motor vehicle in lieu of displaying the annual decals. An Alabama trip permit is valid for a period of seven (7) days, and is vehicle specific. A carrier must purchase a trip permit for each jurisdiction in which the qualified motor vehicle will travel.

(2) In lieu of qualified motor vehicles displaying the annual decals, carriers may have in their possession a valid temporary permit or a valid trip permit.

(3) In order for a carrier to obtain a temporary permit, an *Application for License* (Form MV: IFTA-1) or a *Request for Additional IFTA Decals* (Form MV:IFTA-5), must be submitted to the Alabama Department of Revenue, Motor Vehicle Division, IFTA Section with the decal fee. If the submitted forms are complete, the account is current (i.e., no delinquent reports or outstanding liabilities), the remittance attached, and the vehicle information is provided, a temporary permit will be issued to the carrier.

(4) The applicant must submit the following vehicle information in order to receive a temporary permit:

- (a) Vehicle Identification Number (VIN);
- (b) Make of Vehicle;
- (c) Year of Vehicle.

(5) The carrier shall carry a legible copy of the IFTA license, issued to the carrier, in the qualified motor vehicle in addition to the temporary permit. These credentials will render the vehicle in compliance with the Agreement during the 30-day period until the carrier receives and affixes the annual decals.

(6) The temporary permit will contain the following information:

- (a) Carrier's Name;
- (b) Account Number;
- (c) Mailing Address;
- (d) City;
- (e) State;
- (f) Zip Code;
- (g) Issue Number;
- (h) Issue Date;
- (i) Expiration Date;
- (j) Issue Clerk;
- (k) Year of Vehicle;
- (l) Make of Vehicle;
- (m) Vehicle Identification Number.

(7) Trip permits allow a carrier to travel without the responsibility of recordkeeping and reporting requirements under the IFTA. Carriers purchasing trip permits satisfy the motor fuels use tax obligations on a trip-by-trip basis.

(8) The trip permit will contain the following information:

- (a) Issue Date;
- (b) Expiration Date;

- (c) Operator's Name;
- (d) Current License Number (vehicle tag number);
- (e) Mailing Address;
- (f) City;
- (g) State;
- (h) Zip Code;
- (i) State where the vehicle is registered;
- (j) Year of Vehicle;
- (k) Make of Vehicle;
- (l) Vehicle Identification Number;
- (m) Owner's Name;
- (n) Date Issued;
- (o) Issued by;
- (p) Agent.

(9) There is not a separate fee for the purchase of temporary permits because the permit serves as a temporary decal until the annual decals can be affixed to the qualified motor vehicle(s).

(10) The fee for Alabama trip permits will be one dollar more than the decal fee. Agents of the state (e.g., permitting agencies) may charge a processing fee in addition to the fee imposed by the Commissioner of Revenue.

(11) Any qualified motor vehicle failing to display the current annual decals, a current temporary permit, or valid trip permit will be found to be in violation of the Agreement, and the vehicle operator will be subject to citations and fines. (Authority: Sections 40-2A-7(a)(5) and 40-17-271(c)) (Adopted through APA November 28, 2001, effective January 2, 2002)

810-5-9-.06 Guidelines for Filing a Request for Additional IFTA Decals.

(1) An IFTA licensee may purchase additional qualified motor vehicles during the license year, or add leased vehicles to the fleet, and need to purchase additional decals. In order to purchase additional decals, the following information must be provided by the licensee on, *Request for Additional IFTA Decals*, Form MV:IFTA-5:

- (a) Company name and mailing address, including DBA; if applicable;
- (b) Total number of decal sets needed;

- (c) Total amount due;
- (d) IFTA Account Number and Fleet Number;
- (e) Signature;
- (f) Date;
- (g) Telephone number, including the area code.

(2) In order for the *Request for Additional IFTA Decals*, Form MV:IFTA-5, to be approved, the applicant must not have any delinquent IFTA quarterly fuel use tax reports or outstanding liabilities. Either occurrence will be grounds for rejecting the request.

(3) Rejected requests, along with the remittance for decals, will be returned, by the Department, to the mailing address provided on the request form, accompanied by a Form MV: IFTA-REJECT outlining the reason(s) the request was rejected. (Adopted through APA November 28, 2001, effective January 2, 2002) (Sections 40-2A-7(a)(5) and 40-17-271(c))

810-5-9-.07 Qualified and Exempt Motor Vehicles.

(1) Definitions. The following terms have the meanings ascribed to them for the purposes of this regulation.

(a) Qualified Motor Vehicle. A qualified motor vehicle is a motor vehicle used, designed, or maintained for transportation of persons or property on the roads or highway and meets any of the following criteria:

1. Having two axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds or 11,797 kilograms; or
2. Having three or more axles regardless of weight; or
3. Is used in combination, when the weight of such combination exceeds 26,000 pounds or 11,797 kilograms gross vehicle or registered gross vehicle weight. "Qualified Motor Vehicle" does not include recreational vehicles.

(b) Recreational Vehicle. A recreational vehicle is a self-propelled vehicle, such as a motor home, pickup truck with attached camper, and bus, used exclusively for personal pleasure by an individual. In order to qualify as a recreational vehicle, the vehicle shall not be used in connection with any business endeavor.

(2) In addition to the exemption for recreational vehicles specified in the IFTA, Alabama also provides an exemption, from the motor fuels tax, for certain motor vehicles, as outlined in Section 40-17-153, Code of Alabama 1975. These vehicles are as follows:

(a) " . . . Any motor vehicle owned and operated by any department, board, bureau, commission, or taxing area or other agency of the federal government or of the State of Alabama or any political subdivision thereof, nor shall the provisions of this article apply to any school bus operated by the State of Alabama, any political subdivision thereof, or any private or privately operated school or schools."

(3) Vehicles of the type subject to the provisions of the IFTA owned and operated by the State of Alabama or any political subdivision thereof that operate in other jurisdictions may not be exempt from IFTA requirements in other jurisdictions, and should secure a trip permit from each jurisdiction or its agent prior to entering the jurisdiction. (Authority: Sections 40-2A-7(a)(5) and 40-17-271(c)) (Adopted through APA November 28, 2001, effective January 2, 2002)

810-5-9-.08 Displaying IFTA Decals and Renewal Credentials.

(1) Decals must be placed in an upright position on the left and right side of the exterior portion of the power unit in such a manner that enforcement officers can easily inspect them.

(2) Failure to display the fuel decals on the left and right side of the power unit of a qualified motor vehicle may subject the vehicle operator to citations and fines.

(3) Vehicles operated by dealers, manufacturers, drive-away operations, and transporters of qualified motor vehicles are not required to have the IFTA decal permanently affixed to the power unit of the qualified motor vehicle. These businesses are engaged in the transportation of vehicles for sale. The decals affixed to these vehicles may be temporarily displayed (i.e., taped to the power unit) in a visible manner on both sides of the cab.

(4) The IFTA license year is January 1st through December 31st. Carriers who receive renewal credentials prior to December 31st of each year may operate with them one month prior to the effective date shown on the credentials beginning December 1st. The carriers must also have the current year's credentials visible, and are responsible for filing the fourth quarter report for the year preceding the effective date of the new credentials, including the last month of that quarter. (Authority: 40-2A-7(a)(5) and 40-17-271(c)) (Adopted through APA January 2, 2002)

810-5-9-.09 Transfer of IFTA Decals. IFTA decals shall not be transferred between licensees or qualified motor vehicles. (Authority: Sections 40-2A-7(a)(5) and 40-17-271(c)) (Adopted through APA November 28, 2001, effective January 2, 2002)

810-5-9-.10 IFTA Quarterly Fuel Use Tax Reports.

(1) Each Alabama licensee shall file calendar quarterly fuel use tax reports reflecting miles traveled and fuel purchased during the given quarter. The reports are to be filed with the Alabama Department of Revenue, Motor Vehicle Division, IFTA Section, and all tax, interest, and penalties shall be included in one check made payable to the Alabama Department of Revenue.

(2) The report consists of two parts, Form IFTA-100, Summary Page, and Form IFTA-101, Schedule Page.

(3) Each licensee is required to file a quarterly fuel use tax report regardless of whether there were operations during the quarter.

(4) The Alabama Department of Revenue, or its agent, shall furnish each licensee a tax report form, at no charge, at least thirty (30) days prior to the due date of the report. Failure to receive authorized forms does not relieve the licensee from the obligation to submit a report. Tax rate schedules will be included with the forms to assist the licensee with filing the report. In the event the licensee does not receive the tax report, the licensee shall contact the IFTA Section and request blank forms.

(5) The licensee may submit a legible written report including all the information required which will be accepted in lieu of a report on the prescribed form.

(6) The licensee may submit computer-generated tax reports in lieu of the standard forms. The computer-generated forms must be submitted to the Alabama Department of Revenue, Motor Vehicle Division, IFTA Section, for approval prior to the filing. All information must be included in the form, and the form must be in the same format as the standardized forms for processing by the base jurisdiction.

(7) The following is the required information that should appear on the quarterly fuel use tax reports.

- (a) Name and mailing address of the jurisdiction issuing the report;
- (b) The IFTA license number of the licensee;
- (c) The name and address of the licensee;
- (d) The total distance traveled in all jurisdictions during the reporting period, including operations with trip permits;
- (e) Total fuel consumed in all jurisdictions during the reporting period;
- (f) The reporting quarter of the report;
- (g) The average fuel consumption factor, (i.e., MPG), to two decimal places for the reporting period;
- (h) The fuel type(s) being reported for the reporting period;
- (i) Columns to report in which jurisdiction(s) travel occurred;
- (j) Columns for reporting for each jurisdiction in order (with rounding provided to the nearest whole unit);
- (k) Tax rate;
- (l) Total miles;
- (m) Total taxable miles;
- (n) Taxable gallons;
- (o) Tax paid gallons;
- (p) Net taxable gallons;
- (q) Tax due;
- (r) Interest due;

- (s) Total due;
- (t) Totals for the columns that are listed above;
- (u) Penalty or late filing fees (\$50.00 or 10 percent of the tax, whichever is greater);
- (v) The total remittance of the return;
- (w) The date of the submitted return;
- (x) A signature of the person filing the licensee's return;
- (y) The title of the person filing the licensee's return;
- (z) The telephone number of the person filing the licensee's return;
- (aa) Previous balances may be included.

(8) The quarterly fuel use tax reports are due by the last day of the following months of April, July, October, and January following the calendar year quarters. The reports must be postmarked no later than the last day of these designated months. Provided, if the last day of the month falls on a Saturday, Sunday, or holiday, the report may be postmarked on the first work day of the following month without penalty.

(9) IFTA quarterly fuel use tax reports will be considered filed and received on the date shown by the U.S. Postal Service or the Canada Post or Delivery Service cancellation mark stamped on the envelope containing the report. The envelope must be properly addressed to the Alabama Department of Revenue, Motor Vehicle Division, IFTA Section.

(10) A hand-delivered report shall be considered filed and received on the date it is delivered to an employee of the Alabama Department of Revenue, Motor Vehicle Division.

(11) Penalty and interest will apply to reports filed, and payments received after the due date. A penalty of \$50.00 or 10 percent of the delinquent taxes, whichever is greater, will be charged for the following reasons:

- (a) failing to file a report;
- (b) filing a late report;
- (c) underpayment of taxes due.

(12) All penalties collected shall be retained by the State of Alabama.

(13) Interest shall be assessed at a rate of one percent per month, or a fraction of a month thereof. (Authority: 40-2A-7(a)(5) and 40-17-271(c) (Adopted through APA November 28, 2001, effective January 2, 2002))

810-5-9-.11 Alabama Department of Revenue to Process Decal and License Requests and Issue Credentials.

(1) The Alabama Department of Revenue shall be the sole issuing authority for carriers seeking licensing under the International Fuel Tax Agreement in Alabama. The Department shall issue an IFTA license and the requested number of decal sets to each applicant provided a complete application is submitted with the proper remittance.

(2) In the case of a renewal request for decals and licenses, the applicant's account must be current (i.e., no delinquent tax reports or outstanding liabilities) before credentials will be issued. This is in accordance with the provisions of Section R345.100 of the International Fuel Tax Agreement. (Authority: Sections 40-2A-7(a)(5) and 32-6-56) (Adopted through APA November 28, 2001, effective January 2, 2002)

810-5-9-.12 IFTA Replacement Decals.

(1) A carrier may receive replacement decals upon submitting a notarized affidavit to the Alabama Department of Revenue, Motor Vehicle Division, IFTA Section. The affidavit must contain the following:

- (a) County of the business location;
- (b) Name of licensee;
- (c) Mailing address of licensee;
- (d) Reasons why replacement decals are being requested;
- (e) Date;
- (f) Signature;
- (g) Title;
- (h) IFTA Account Number;
- (i) The Affidavit must be notarized.

(2) The Department will replace decals, for a reasonable administrative fee, based upon reasonable cause as outlined in the affidavit. The decals must have been in transit, to the licensee, for a reasonable length of time before the Department will process the decal replacement request.

(3) It is the responsibility of each licensee to have the current mailing address on file with the Alabama Department of Revenue, Motor Vehicle Division, IFTA Section. If the Department mails IFTA credentials to the address provided by the licensee and the address is not correct, the Department shall not replace decals; and the licensee must submit a Request for Additional Decals Form MV:IFTA-5, along with the appropriate decal fee.

(4) All replacement decals shall be mailed by certified mail, return receipt requested.

(5) Should the missing decals be recovered, the licensee must immediately forward the decals to the Alabama Department of Revenue, Motor Vehicle Division, IFTA Section. If the licensee fails to forward the decals, he or she shall be guilty of a misdemeanor, and subject to

finer as defined in Section 40-12-265, Code of Alabama 1975. (Authority: Sections 40-2A-7(a)(5) and 40-17-271(c)) (Adopted through APA November 28, 2001, effective January 2, 2002)

810-5-9-.13 Closing an IFTA Account.

(1) A licensee who desires to cancel an IFTA account must do so, in writing, to the Alabama Department of Revenue, Motor Vehicle Division, IFTA Section.

(2) The licensee may elect to either check the "Cancel License" box on Form IFTA-101, on the IFTA quarterly fuel use tax report or submit a letter requesting license cancellation.

(3) The licensee's account must be in good standing (no outstanding liabilities and/or delinquent quarterly fuel use tax reports) before the Department will grant the cancellation request.

(4) The licensee must surrender the IFTA credentials (i.e., original license and decals) to the IFTA Section. This will prevent the licensee from having the ability to travel interstate without filing quarterly fuel use tax reports. The Department will not cancel an IFTA account until all credentials have been surrendered. If, however, the decals cannot be returned due to destruction, etc., the licensee must submit a notarized affidavit stating the reason credentials cannot be surrendered.

(5) Failure to comply with the provisions of paragraphs (3) and (4) above will cause the account to remain active. A carrier will be responsible for timely filing the quarterly fuel use tax reports for each quarter the account remains active.

(6) All IFTA accounts are automatically cancelled by the Department effective December 31 of each calendar year. (Authority: Sections 40-2A-7(a)(5) and 40-17-271(c)) (Adopted through APA November 28, 2001, effective January 2, 2002)

810-5-9-.14 Petition for Refund for Fees Erroneously Paid for IFTA Decals.

(1) Carriers who purchase IFTA decals, then dissolve the business before affixing the decals to the qualified motor vehicle(s) will be entitled to a refund of the decal fee. The business must have been dissolved prior to January 1.

(2) Carriers must complete and submit the Petition for Refund for Fees Erroneously Paid for IFTA Decals Form MV:IFTA-PDR; and the unused decals to the Alabama Department of Revenue, Motor Vehicle Division, IFTA Section.

(3) The following information shall be provided by the carrier before a refund may be issued;

(a) Name. If the business is individually owned, enter the owner's name. If the business is a partnership, enter the legal name of the partnership. If the business is a corporation, enter the legal name exactly as it is registered with the Secretary of State for the State of Alabama. If the business is a limited liability corporation (LLC) enter the legal name of LLC;

(b) Taxpayer ID Number (FEIN or SSN);

(c) Doing Business As (Trade Name) if applicable;

- (d) Telephone Number, including the area code;
- (e) Address. This is the mailing address of the carrier;
- (f) City;
- (g) State;
- (h) Zip Code;
- (i) Contact Person;
- (j) Type of Ownership- Indicate whether the business is owned by an individual, a partnership, corporation, or other type of entity, specifying the entity type;
- (k) Indicate the range of decal numbers purchased in error. If there are skips in the decal numbers, attach an additional sheet and list each decal number;
- (l) Provide a detailed statement as to why the petitioner believes the refund should be granted. Additional sheets may be attached if necessary. The petition may be denied if sufficient information is not submitted;
- (m) Number of decals purchased in error;
- (n) Total Refund amount requested;
- (o) Authorized signature, under penalties of perjury, that the petition for refund is true, correct, and complete. If the entity is a sole proprietorship, the owner must sign this form. If the entity is a corporation, a corporate officer must sign. All partners must sign if the entity is a partnership. An agent may sign for a LLC;
- (p) Title of person(s) signing the petition for refund;
- (q) Date the petition was signed.

(4) The Petition for Refund must be notarized. Failure to secure a notarization will result in the form being returned to the petitioner.

(5) All unused decals must accompany the petition for refund form. The Department will not refund fees for used decals (i.e., decals previously affixed to a vehicle).

(6) Refunds will be issued for the number of unused decals returned to the Department. Decal fees shall not be prorated. (Authority: Sections 40-2A-7(a)(5) and 40-17-271(c) (Adopted through APA November 28, 2001, effective January 2, 2002))

810-5-17-.01. Scrapping, Dismantling or Destroying Vehicle - Including Total Loss and/or Salvage.

(1) When a motor vehicle titled and domiciled in Alabama is scrapped, dismantled, destroyed, salvaged or considered a total loss as defined in Section 32-8-87, Code of Alabama 1975, as amended, it will be the responsibility of the owner or any person acquiring ownership (individual, company, or insurance company) to complete form MVT

41-1 (Report of Total Loss Settlement, Scrapped, Dismantled or Destroyed Vehicle and Application for Salvage Certificate of Title), and mail or deliver to the Department of Revenue as soon as practicable for processing. Form MVT 41-1 shall be filled out on either a typewriter or printer, using **BLACK INK**, and shall contain the following information:

(a) Individual completing MVT 41-1 must verify Vehicle Identification Number (V.I.N.) and other vehicle information using information obtained from the outstanding certificate of title and the vehicle being reported as salvage. If a discrepancy in the V.I.N. is found the current titled owner must obtain a corrected certificate of title prior to the submission of the MVT 41-1.

(b) Owner information area must be completed using the name of individual or company that is obtaining the salvage certificate of title. Individuals should be listed last name first. The owner's resident address must be listed if the address is different from the mailing address. A Post Office Box is not considered a resident address.

(c) Lienholder information should be completed only when there is outstanding lien on the vehicle. If a lien recorded on the outstanding certificate of title has been satisfied, a lien release must be provided, unless released on the certificate of title in the space provided.

(d) Owner's authorization for special mailing section may be completed only when there are no outstanding liens on the vehicle.

(e) When the owner (individual or company) making application for a salvage certificate of title is either uninsured or self-insured, SECTION A of the MVT 41-1 must be completed and signed by the applicant. Applicant must disclose whether the vehicle was Wrecked, Scrapped, Recovered Theft, Dismantled, Destroyed, Or Sold For Parts Only. Vehicles which are disclosed as Destroyed or Sold For Parts Only cannot be rebuilt and no subsequent certificate of title will be issued for the vehicle.

(f) When an insurance company has declared the vehicle to be a total loss, and paid compensation to the owner, SECTION B must be completed and signed by an authorized representative of the insurance company. The authorized representative must disclose whether the insurance company is making application for a salvage certificate of title, or the owner is retaining the salvage on the vehicle, by marking the appropriate block in SECTION B and completing the OWNER INFORMATION accordingly.

(2) Supporting Documents:

(a) Outstanding certificate of title, properly assigned if necessary.

(b) Fee (see Schedule of Fees and Commissions)

NOTE: Scrap Metal Processors Acquiring A Total Loss Vehicle For The Purpose of Recycling Into Metallic Scrap for Remelting Purposes - Do Not Have To Obtain A Salvage Certificate Of Title Prior To Destroying A Damaged Vehicle. (Authority: Sections 32-8-1 through 32-8-88, Code of Alabama 1975) (Adopted December 10, 1997)

810-5-19-.04. Security Interest - Motor Homes. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

When titling a motor home, where two (2) manufacturer's statements of origin are furnished (one on the chassis and one on the house) both manufacturer's statements of origin must be submitted and the title will be issued reflecting the vehicle identification number of the chassis, but the security interest will be perfected on both chassis and home. (Authority: §32-8-3(a)(2))

810-5-19-.05. Security Interest - Perfection on Motor Vehicles Excluded from Department Records. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

A security interest in a motor vehicle not required to be titled under Act 765, cannot be perfected by filing with the Department of Revenue. A security interest in such a vehicle may be perfected under the Uniform Commercial Code by delivery of the required documents to the Probate Judge in the county in which the owner resides and the vehicle is domiciled, and as added security, a

copy of these documents may be delivered to the Secretary of State, State Capitol, Montgomery, Alabama 36104. (Authority: §32-8-3(a)(2))

810-5-26-.01. Powers of the Department - Application for Alabama Vehicle Identification Number and Supporting Documents. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) An owner of a motor vehicle from which the manufacturer's vehicle identification number plate has been previously removed, as required by Act 765 or by statutes of another state or jurisdiction, must make application for an Alabama assigned vehicle identification number on form MVT 26-3 when this vehicle is repaired, rebuilt or remanufactured and its operation on the public streets and highways of Alabama would require the titling and licensing of the vehicle in this state.
- (2) When making application for an Alabama assigned vehicle identification number, a properly signed and certified bill of sale, which provides the vehicle description, including the manufacturer's vehicle identification number, from the insurance company that declared the vehicle as salvage or from the registered owner, to the salvage buyer, shall be required. A chain of ownership by proper bill of sale from the salvage buyer to the next owner, and to each owner thereafter, to the applicant, must be attached to the bill of sale from the insurance company or registered owner. Whenever any major component part (engine, frame, body or transmission) is replaced and is not that component in the original salvaged vehicle, appropriate bill(s) of sale for that component part will also be required.
- (3) After an application for an Alabama assigned vehicle identification number has been approved, an Alabama vehicle identification number plate will be delivered to the owner and the vehicle will be inspected to determine where, on the vehicle, the Alabama identification number plate must be installed.
- (4) After an Alabama vehicle identification number plate is installed, application may then be made for an Alabama certificate of title on form MVT 5-1. (Authority: §32-8-3(a)(2))

810-5-26-.02. Powers of the Department - Revocation of Authority to Act as Designated Agent of the Department.

- (1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.
- (2) Section 32-8-3(b)(4), Code of Alabama 1975, as amended, empowers the department to revoke the authority of any previously appointed designated agent of the department upon finding that the designated agent has failed to faithfully perform their duties under Chapter 8, Title 32 of the Code of Alabama 1975, as amended.
- (3) If the department has cause to believe that a designated agent has failed to faithfully perform their duties as set out in Chapter 8, Title 32 of the Code of Alabama 1975, as amended, the department shall mail to that designated agent a written notice detailing the area or areas of alleged non-compliance, and advise him/her that they have ten (10) calendar days from the date of the department's written notice in which to submit a written response either refuting alleged non-compliance or detailing the action they have taken to correct the area or areas of non-compliance that existed.
- (4) If the designated agent fails to respond in writing to the department within the prescribed time allotted, or fails to take the necessary action to resolve the matter to the satisfaction of the department, a letter will be mailed to the designated agent advising of the department's intention to revoke their authority as a designated agent. The letter shall also serve as notice to the designated agent of their right to appeal the department's intended action to the Administrative Law Division of the department. The letter shall be mailed to the designated agent, certified mail return receipt requested, at the address of record.

(5) Under Section 40-2A-8, Code of Alabama 1975, as amended, the designated agent shall have thirty (30) calendar days from the date of the revocation letter to file a written notice of appeal with the Administrative Law Division. If the Administrative Law Division does not receive written notice of appeal within the allotted time, the department's decision to revoke the authority of the designated agent will become final. The designated agent will be required to immediately deliver to the department their Designated Agent Certificate, monies collected and due the department, title applications, title documents, and other title forms supplied to the agent by the department as a result of having been afforded Designated Agent status by the department. In order to insure compliance with the revocation process, the department may call upon any law enforcement agency of the state to seize the Designated Agent Certificate, monies collected and due the department, title applications, title documents, and other title forms which the agent is required to surrender to the department provided the agent has not voluntarily returned the items. (Authority: Section 32-8-1 through 32-8-88, and Section 40-2A-1 through 40-2A-11, Code of Alabama 1975) (Adopted effective December 10, 1997.)

810-5-27-.01. Hearings - Aggrieved Persons.

- (1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.
- (2) The Department shall notify in writing the owner (s) or applicant(s) and recorded lienholder(s) or lienholder(s) reflected on the application for certificate of title of an act or proposed act or refusal to act by the Department concerning the denial, suspension, or revocation of a certificate of title. A taxpayer aggrieved by such act, proposed act, or refusal to act by the Department shall be entitled to file a notice of appeal with the Department's Administrative Law Division within thirty (30) days of the date the Department's written notice was mailed. Such written notice shall be mailed to the concerned party's/parties' last known address on record with the Department, and must be mailed by either first-class or certified mail.
- (3) When filed within the proper time frame, the appeal will be set for a hearing by the Administrative Law Division and proceed in accordance with the provisions of Title 40, Chapter 2A, Code of Alabama 1975. (Authority: Sections 40-2A-1 through 40-2A-11, Code of Alabama 1975) (Adopted December 10, 1997.)

810-5-31-.01. Schedule of Fees and Commissions - Remittance of Fees by Personal Checks or Company Checks of Designated Agents. Reference: Section 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.
- (2) When applications for certificates of title (form MVT 5-1c) are submitted to the Department by a designated agent, the accompanying check, in payment of title fees, shall be payable by and remitted by the designated agent who processed the applications and this check shall be made payable to the State of Alabama Revenue Department.
- (3) A personal check remitted for title fees payable against the account of anyone other than a designated agent will be returned along with the accompanying applications unless prior approval is obtained from the Department.
- (4) There shall be paid to the Department for issuing and processing documents a fee as established in Section 32-8-6, Code of Alabama 1975. (Adopted through APA effective November 24, 1999)

810-5-41-.01. Salvage - Plate Removed, Number Inscribed on Salvage; Number Furnished on Application for Alabama Vehicle Identification Number, and Number Required on All Bills of Sale or Invoices upon Sale of Salvage. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) When the manufacturer's identification number plate, or Alabama replacement number plate is removed from a motor vehicle under requirements of Section 17 or 41 of Act 765, the owner or insurance company agent removing this plate shall have the vehicle identification number permanently inscribed on the firewall or if firewall is not accessible, on another permanent part of the chassis in the manner that will be easily accessible and legible for inspection by law enforcement officers and agents of the Revenue Department.

(2) The vehicle identification number inscribed on the vehicle as required in (1) above shall be provided by an applicant on an application for an Alabama assigned vehicle identification number (form MVT 26-3) in instances where the vehicle is rebuilt, repaired, or restored for use on the streets and highways of Alabama and which is required to be titled and registered as a motor vehicle in this state. After installation of an Alabama assigned vehicle identification number plate (original number with "AL" prefix) issued by the Revenue Department, the owner of a rebuilt, repaired, or restored vehicle may then make application for Alabama certificate of title using the new Alabama assigned vehicle identification number.

(3) The original manufacturer's vehicle identification number or Alabama replacement number shall be shown on any bill of sale or invoice transferring ownership of a 1975 model or subsequent year model motor vehicle which has been dismantled, scrapped, destroyed, or has become salvage. (Authority: §32-8-3(a)(2))

810-5-41-.02. Salvage - Owner's Responsibility on Insurance Settlement. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

When an insurance company or other person makes a settlement with an owner for the total loss of a motor vehicle that requires the certificate of title, the manufacturer's identification number plate, and the license plate of such vehicle to be mailed or delivered to the Department, the delivery of these items by the owner to the insurance company will fulfill the owners requirements to the Department. (Authority: §32-8-3(a)(2))

810-5-41-.03. Salvage - Responsibility of Insurance Company on Total Loss Payment. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

When a vehicle is determined to be a total loss because of the insurer paying to any person seventy-five percent (75%) or more of the cost, at the time of loss, of replacing the wrecked or damaged vehicle with one of like kind and quality, it will be the responsibility of the insurance company to complete form MVT 41-1 (Report of Total Loss Settlement), secure the certificate of title, vehicle identification number plate, license plate, and within seventy- two (72) hours after receiving them, forward them to the Department for processing. This rule applies regardless of whether the insurer or owner retains possession of the salvage. (Authority: §32-8-3(a)(2))

810-5-41-.05 Salvage - Determining Fair Retail Values for Total Loss Vehicles.

When a monetary settlement is paid on a damaged vehicle and the damage to the vehicle is greater than or equal to 75 percent of the fair retail value of the vehicle prior to the damage, the vehicle shall be considered to be a total loss. For the purpose of determining the fair retail value of a total loss vehicle, at time of loss, information shall be obtained from a current edition, including automated data base, of a nationally recognized compilation of retail values, such as,

but not limited to the National Automobile Dealers Association's Used Car Guide, Southeastern Edition and National Market Reports, Inc., provided the publication or automated data base presents a fair and representative retail value of the vehicle within the state of Alabama. (Authority: Sections 32-8-1 through 32-8-88) (Adopted through APA November 22, 1996; amended June 7, 2000; amended February 28, 2002)

810-5-41-.06. Salvage - Salvage or Junk Vehicles brought into Alabama. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

The Department shall require the owner or a person having in his possession a vehicle determined to be salvage or junk, as defined in Section 17 and in Section 41 of Act 765, which is brought into the State of Alabama from another state or country, that does not require the removal of the manufacturer's vehicle identification number plate and registration license plate, to remove and mail or deliver them within seventy-two (72) hours, from time of entry into Alabama, to the Department for processing. (Authority: §32-8-3(a)(2))

810-5-41-.07. Salvage - Motorcycles, Semi-Trailers, etc. Procedure on Vehicles that do not have Vehicle Identification Number Plates to be Removed when Total Loss Occurs. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) When salvage or total loss occurs on motor vehicles that do not have vehicle identification number plates installed by their manufacturer and the vehicle identification number is die stamped into the frame or chassis by the manufacturer, the letter "T" shall be die stamped in the front of the first character of the vehicle identification number and the letter "L" shall be die stamped behind the last character of the vehicle identification number.

(2) This procedure will be acceptable to meet the requirements for removing the vehicle identification number plate since it will identify the vehicle as being subject to a total loss and will prevent the destruction of a frame to a motorcycle or defacing a vehicle that may be rebuilt. (Authority: §32-8-3(a)(2))

810-5-50-.12. Notice Of Missing Document (FORM MVT 5-8).

(1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) The purpose of form MVT 5-8 (Notice of Missing Document) is to allow the county official responsible for accepting applications for certificates of title and issuing license tags, to perform such duties for the owner of a motor vehicle which is required to be registered and titled in Alabama, when the outstanding out-of-state certificate of title in the owner's name is held by the recorded lienholder.

(3) Upon the owner surrendering a legible copy of his/her outstanding out-of-state title reflecting the recorded lienholder, the county may accept the owner's application for certificate of title and issue license tag, and allow the owner to properly complete form MVT 5-8 (Notice of Missing Document) to be submitted to the Department in lieu of the outstanding out-of-state certificate of title. The form MVT 5-8 (Notice of Missing Document) shall contain the following information:

- (a) Designated agent number of the County submitting the title file,
- (b) Application number,
- (c) Vehicle identification number, year model, and make,
- (d) Name of owner(s),
- (e) Name and address of lienholder,
- (f) Account number of loan and the lien date,

- (g) Statement by applicant identifying the current certificate of title number and the name of the issuing State, or stating that the title document is a Manufacturer's Certificate of Origin, and
- (h) Signature of the applicant(s) and designated agent.
- (4) The Department will make a written request for the outstanding out-of-state certificate of title to the recorded lienholder upon receipt of the following from the designated agent:
 - (a) MVT 5-1C (Application for Certificate of Title) completed, and signed in accordance with Department requirements,
 - (b) MVT 5-8 (Notice of Missing Document) completed and signed by both the applicant and county official,
 - (c) Legible copy of outstanding out-of-state certificate of title in the name of the applicant with lienholder recorded, and
 - (d) Fee (see Schedule of Fees and Commissions).

NOTE: The reverse side of the MVT 5-8 (Notice of Missing Document) contains a list of states in which the owner rather than the recorded lienholder holds the certificate of title. A copy of a certificate of title from a state listed on the reverse side of the MVT 5-8 shall not be accepted by the county official unless the applicant provides evidence that the recorded lienholder is in possession of the original. (Authority: Section 32-8-1 through 32-8-88, Code of Alabama 1975) (Adopted December 10, 1997)

810-5-50-.13.01. Powers of Attorney - Guidelines for Use.

- (1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.
- (2) To be acceptable by the department, a power of attorney must be an original document except as provided in paragraph (5), contain essential information, and be prepared on paper which shall meet the minimum requirements listed. In the event of multiple transactions, an original power of attorney is required for each individual transaction.
- (3) Essential information which must be provided on powers of attorney is as follows:
 - (a) Date document completed,
 - (b) Name and address of individual appointed as attorney-in-fact,
 - (c) Original signature of attorney-in-fact (required on non departmental power of attorney only if space provided for signature on document),
 - (d) Complete description of vehicle, including vehicle identification number (VIN), year, make, model and body type,
 - (e) Purpose(s) for which appointment intended (owner shall initial each purpose listed on MVT 5-13 for which appointment is intended),
 - (f) Original signature of owner (individual appointing attorney-in-fact) and his/her address, and
 - (g) Notarization.
- (4) The MVT 5-13 power of attorney is printed on 8½"x11", 20 lb. paper. All non-departmental powers of attorney shall be required to be printed on no less than 20 lb. paper with recommended dimensions of 8½"x11", but not less than 8½"x5½" dimensions (half a sheet).
- (5) EXCEPTIONS:
 - (a) Upon prior approval of the department, companies involved in the leasing of vehicles into Alabama may provide their lessee a facsimile rather than an original power of attorney provided it meets approved criteria. The facsimile must contain essential information as listed above in paragraph (2) with the exception of original signatures. The original document from which the facsimile is generated shall contain the notarized signature of a company official with the corporate seal affixed, and shall contain the following disclaimer:
 - (b) "The signature of the Executive Vice President, any Vice President, or other Officer of (Company Name) specifically authorized by the company to bind the company, and the

seal of the company may be affixed by facsimile on this power of attorney and such facsimile signature and seal shall be valid and binding on the company to the same extent as original signature and seal."

(c) A general power of attorney is not limited to the registration and titling of a vehicle. It grants the attorney-in-fact the authority to transact all business on behalf of the principal. Accordingly, the original must be retained by the attorney-in-fact. (Authority: Section 32-8-1 through 32-8-88, Code of Alabama 1975) (Adopted December 10, 1997)

810-5-50-.32. Report of Unclaimed Vehicle - Where Vehicle Unclaimed for Longer than Thirty (30) Days (Form MVT 38-1).

(1) An operator of a place of business for garaging, repairing, parking or storing vehicles for the public, in which a vehicle remains unclaimed for the period designated in Section 32-8-84(c), Code of Alabama 1975, and whose owner's name and address are unknown to the operator, shall complete a report of unclaimed vehicle (Form MVT 38-1) and cause such form to be mailed or delivered to the Department within the period established in Section 32-8-84(c), Code of Alabama 1975.

(2) The individual completing the report of an unclaimed vehicle (Form MVT 38-1) shall provide the following information on the form: vehicle identification number, make, year, model, body type, color, number of cylinders, date vehicle was left at operator's establishment, name and address of firm making report, type of firm making report, license plate number and state of issuance if available, name of law enforcement agency if impounded by such an agency, and the signature and date of the individual who completes the form.

(3) A certified copy of the Alabama title history including the current Alabama title information for any vehicle reported as unclaimed may be obtained from the Department upon written request and the payment of the required fee as specified in Section 32-8-6, Code of Alabama 1975, as amended. (Authority: Section 32-8-1 through 32-8-88, Code of Alabama 1975, as amended) (Adopted November 22, 1996)

810-5-75-.01. Title Procedure - First Title For Vehicle Salvaged In a Jurisdiction Other Than Alabama. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Designated agent completed MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK), signed by owner and designated agent.

(2) Supporting Documents:

(a) Surrender outstanding out-of-state salvage title, permit to dismantle or junking certificate, properly assigned to owner, or letter of certification from the jurisdiction in which the vehicle was salvaged. NOTE: When letter of certification is surrendered in lieu of salvage title, permit to dismantle, etc., then notarized bills-of-sale shall be provided from the insurance company down through the chain of ownership to the owner repairing or rebuilding the vehicle in Alabama.

(b) Form MVT 26-10 (Affidavit Supporting Salvage Certificate) properly completed and notarized. NOTE: Any major component parts that are replaced during the repairing or rebuilding of the vehicle shall be listed on form MVT 26-10 and a notarized bill-of-sale for the replaced component part must be furnished. This notarized bill-of-sale must contain the vehicle identification number of the vehicle from which the component part came or the identifying number (serial number) and trade name of the component part.

(3) Fee of \$4.00. (Authority: §32-8-3(a)(2))

810-5-75-.02. Title Procedure - First Title For A Homemade Trailer. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Prior to making application for title, owner must first obtain (available from probate office, license commissioner, or director or revenue in the various counties and from the

State Department of Revenue) and complete form MVT 26-1 (Application for Alabama Assigned Vehicle Identification Number for Homemade Trailer). Upon receipt of properly completed form MVT 26-1, the Department will issue a vehicle identification number plate which will have a vehicle identification plate attach same to the homemade vehicle as per instructions on the reverse side of form MVT 26-2. Once owner has completed attaching assigned vehicle identification number plate to the homemade vehicle then he may apply for title by delivering the vehicle to a designated agent of the Department.

(2) Supporting Documents:

(a) Designated agent completed MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK), signed by designated agent and owner.

(b) Completed form MVT 26-2 (Assigned Vehicle Identification Number for Homemade Trailer).

(c) Fee of \$4.00. (Authority: §32-8-3(a)(2))

810-5-75-.05. Title Procedures on Title Applications for an Alabama Certification of Title Submitted by an Alabama Out-of-State Resident- Transfer of Title for A Used 1975 and Later Model Vehicle. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Owner and person making the sale completes MVT 5-1 (Application for Title).

Application must be properly filled in with a typewriter (BLACK INK). The owner will sign the application in the presence of the officer making the inspection of the vehicle.

(2) Supporting Documents:

(a) Surrender outstanding title, properly assigned.

(b) Completed form MVT 5-9.

(c) Fee of \$4.50 (if the surrendered title is an Alabama certificate of title, the fee will be \$3.50)

(3) Certified Funds Only - Payable to the judge of probate or license commissioner or director of revenue (one that is applicable) of the county of the legal resident. (Authority: §32-8-3-(a)(2))

810-5-75-.06. Title Procedures on Title Applications for an Alabama Certificate of Title Submitted by an Alabama Out-of-State Resident - First Title For a New (1975 and Later Models) Vehicle. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Owner and dealer completes MVT 5-1 (Application for Title). Application must be filled in properly with the typewriter (BLACK INK). Owner will sign application in the presence of the officer making the inspection of the vehicle.

(2) Supporting Documents:

(a) Certified copy of manufacturer's certificate of origin, properly assigned to owner.

(b) Completed form MVT 5-9.

(c) Fee of \$4.50 (Certified Funds Only) payable to judge of probate or license commissioner or director of revenue (one that is applicable) of the county of the legal resident.

(3) NOTE: The above application and all required supporting documents and the required fee must be mailed to the judge of probate or license commissioner or director of revenue in the county of the legal resident for further handling.

(4) NOTE: If a security interest (lien) is created at the time of purchase of the vehicle by the owner, the title will list the lienholder and be mailed to the first lienholder and memorandum copy mailed to the owner, no additional fee is required to perfect a security interest at the time of purchase of a vehicle.

(5) NOTE: When form MVT 5-1 has been completely filled out and signed by owner, owner will retain part 2 of the application (owner's permit to operate the vehicle) in his possession until the Department issues a certificate of title. If a security interest lien is created at the time of purchase of the vehicle, the lienholder will be given part 4 of the application (lienholder's copy to be retained by him until the Department issues a certificate of title for the vehicle. The title will be mailed to first lienholder listed on the title and memorandum copy to the owner. (Authority: §32-8-3(a)(2))

810-5-75-.07. Title Procedure - Request For Change of Address Only On A Certificate of Title. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) The owner may notify the Department by completing, properly, form MVT 1-1 (Address Correction Only), or provide in writing a notice by the owner of the change of address.
- (2) Supporting Documents:
 - (a) Form MVT 1-1 or notice in writing shall be mailed or delivered to the Department of Revenue for address correction.
 - (b) Fee: No charge.
- (3) NOTE: The owner shall within thirty days after his address is changed from that shown on the application for title or on the certificate of title notify the Department of the change of address. The Department will record the address correction but will not issue a corrected certificate of title. (§32-8-3(a)(2))

810-5-75-.08. Title Procedure - Application For Corrected Certificate of Title. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1. Application must be properly filled in with a typewriter (BLACK INK), signed by designated agent and owner.
- (2) Supporting Documents:
 - (a) Surrender outstanding title that needs correcting.
 - (b) Mark on surrendered title the area of error.
 - (c) All documents to support the needed corrections.
 - (d) Fee of \$3.00.
- (3) NOTE: If the error was made by the Title Section in issuing the original title, no fee will be charged. If error was made prior to the application being received by the Title Section, a fee of \$3.00 will be charged and collected. (§32-8-3(a)(2))

810-5-75-.09. Title Procedure - Transfer of Title For A Vehicle From A Deceased Owner Whose Estate Does Not Require Probate (No Will). Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK). The date of purchase is the date of the death of the deceased. Application must be signed by designated agent and owner.
- (2) Supporting Documents:
 - (a) Surrender outstanding title.
 - (b) Completed form MVT 5-6 (Affidavit for Assignment of Title for a Vehicle When Deceased Owner Dies Without a Will).
 - (c) Certified copy of death certificate.
 - (d) Fee of \$3.00. (§32-8-3(a)(2))

810-5-75-10. Title Procedure - Transfer of Title For A Vehicle From A Deceased Owner Whose Estate Does Not Require Probate (Left Will). Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK). The date of purchase is the date of the death of the deceased. Application must be signed by designated agent and owner.
- (2) Supporting Documents:
 - (a) Surrender outstanding title.
 - (b) Certified copy of death certificate.
 - (c) A copy of the will.
 - (d) Fee of \$3.00. (§32-8-3(a)(2))

810-5-75-11. Title Procedure - Transfer of Title For A Vehicle From A Deceased Owner Whose Estate Requires Probate (Left Will). Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK). The date of purchase is the date the will was probated. All applications must be signed by designated agent and owner.
- (2) Supporting Documents:
 - (a) Surrender outstanding title, properly assigned to the new owner by the executor(s) or executrix(s).
 - (b) Certified copy of the letters of testamentary regarding said vehicle.
 - (c) Fee of \$3.00. (§32-8-3(a)(2))

810-5-75-12. Title Procedure - Transfer of Title For A Vehicle From A Deceased Owner Whose Estate Requires Probate (No Will). Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK). The date of purchase is the date of the probate proceedings. Application must be signed by designated agent and owner.
- (2) Supporting Documents:
 - (a) Surrender outstanding title, properly assigned to the new owner by the administrator(s) or administratrix(s).
 - (b) Certified copy of the probate proceedings or letters of administration, regarding said vehicle.
 - (c) Fee of \$3.00. (§32-8-3(a)(2))

810-5-75-13. Title Procedure - Transfer of Title For A Vehicle Obtained By A Sheriff's Or Court Sale. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1 (Application for Title). Application must be filled in properly with a typewriter (BLACK INK). The date of purchase is the date of court or sheriff's sale. All applications must be signed by designated agent and owner.
- (2) Supporting Documents:
 - (a) Surrender outstanding title.
 - (b) Certified copy of sheriff's or court order, bill of sale, deed or documents evidencing the sale issued by the official who conducts the sale of said vehicle.
 - (c) Fee of \$3.00. (§32-8-3(a)(2))

810-5-75-14. Title Procedure - Transfer of Title For A Vehicle Obtained By Divorce Or Court Order. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1. Application must be properly filled in with a typewriter (BLACK INK). The date of purchase is the date of court order. All applications must be signed by designated agent and owner.
- (2) Supporting Documents:
 - (a) Surrender outstanding title.
 - (b) Certified copy of the court order and/or exhibits thereto pertaining to the vehicle.
 - (c) Fee of \$3.00. (§32-8-3(a)(2))

810-5-75-.15. Title Procedure - Application for Replacement Alabama Certificate of Title (Form MVT 12-1).

- (1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.
- (2) Titled owner or lienholder of record shall provide the following information on an application for replacement title (form MVT 12-1):
 - (a) Vehicle identification number, year model, make, model, body type, number of cylinders, date of purchase, number of liens, color, and odometer reading.
 - (b) Owner's name, address, and the address where replacement title is to be mailed.
 - (c) Reason replacement title is required as established in Section 32-8-43(a), Code of Alabama 1975.
 - (d) Signature of owner(s)/lienholder(s) or their authorized representative.
- (3) If there is a lienholder of record on the title for which a replacement title is being requested, the lienholder's authorized representative shall complete the MVT 12-1 unless a separate lien release is provided.
- (4) Applicant must provide the following supporting documents:
 - (a) Outstanding Alabama title unless title has been lost, stolen or destroyed.
 - (b) Any documents such as powers of attorney, letters testamentary, letters of administration, letters of guardianship, letters of conservatorship, trust agreements, court orders or other documents required by the Department which support the right of someone other than the owner or lienholder to sign the MVT 12-1 on behalf of the owner or lienholder. If ownership of the vehicle is in joint tenancy then only one of the owners or owner's authorized representative is required to sign the application on behalf of all the owners of the vehicle.
 - (c) Fee (See Schedule of Fees and Commissions - Regulation 810-5-31-.01).
- (5) Upon completion of the MVT 12-1 the applicant shall cause the MVT 12-1, required fee and any supporting documents to be delivered to the Department for processing.
- (6) The issuance of a replacement title will not affect the requirement that each owner of a vehicle, other than a licensed dealer, obtain an Alabama title in the owner's name prior to transferring ownership of the vehicle.
- (7) The Department will not issue a replacement title when the Department has evidence that the outstanding Alabama title was erroneously issued or fraudulently procured.
- (8) Authorized employees of the Department may correct information provided on the application when the information provided is in error and does not match Department records for the vehicle. Information that may be corrected includes the vehicle identification number, year model, make, model, body type, number of cylinders, date of purchase, number of liens, color, odometer reading and owner(s) name(s). All corrections must be proved necessary by Department records.
- (9) NOTE: A replacement certificate of title shall contain the following legend, "This is a replacement certificate and may be subject to the rights of a person under the original certificate." The new certificate of title will be mailed to the first lienholder named on it, or, if none, to the owner. If the new certificate of title is to be mailed to someone other than the owner(s) or lienholder, the application must be signed and dated by the owner(s) or owner's authorized representative. (Authority: Sections 40-2A-7(a)(5) and 32-8-3(b)(2), Code of Alabama 1975) (Adopted through APA effective November 24, 1999.)

810-5-75-.16. Title Procedure - Assignment and Transfer of Lien by Lienholder. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with typewriter (BLACK INK). (Designated agent and owner not required to sign application).
- (2) Supporting Documents:
 - (a) Surrender outstanding title without lien released on face of title.

- (b) Completed form MVT 21-1 (Assignment of Lien), original submitted with application.
- (c) Fee of \$2.00. (§32-8-3(a)(2))

810-5-75-17. Title Procedure - Repossessed (1975 and Later Model) Vehicle That Has Been Titled in Another State, First Title in Alabama. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK), signed by owner and designated agent.
- (2) Supporting Documents:
 - (a) Surrender of out-of-state title.
 - (b) Completed form MVT 5-1 (Revised) (Repossessed Motor Vehicle Affidavit) or out-of-state equivalent form properly completed made by or on behalf of the lienholder that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement.
 - (c) Certified copy of bill of sale from reposessor to purchaser, if repossession affidavit does not provide the transfer to the purchaser.
 - (d) Fee of \$4.00. (§32-8-3(a)(2))

810-5-75-18. Title Procedure - Transfer of Title for Used (1975 and Later Models) Vehicles, Currently Titled in Alabama. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK), signed by owner and designated agent.
- (2) Supporting Documents:
 - (a) Surrender outstanding Alabama title, properly assigned, to owner.
 - (b) Fee of \$3.00. (§32-8-3(a)(2))

810-5-75-19. Title Procedure - Repossessed (1975 and Later Model) Vehicle That Has Been Titled in Alabama With Lienholder (Reposessor) Properly Shown On Title. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK), signed by designated agent and owner.
- (2) Supporting Documents:
 - (a) Surrender of outstanding title.
 - (b) Completed form MVT 15-1 (Revised) (Repossessed Motor Vehicle Affidavit) made by or on behalf of lienholder that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement.
 - (c) Fee of \$3.00. (§32-8-3(a)(2))

810-5-75-20. Title Procedure - Second or Third Lien or Security Interest Releases on Title. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Second or third lienholder will execute his release of security interest on the face of the title held by the first lienholder if available. If title is not available for second or third lienholder to execute release, then second or third lienholder shall complete form MVT 22-1 and deliver to first lienholder. (Original signature is required - NO STAMP IS PERMITTED FOR VALIDATION). First lienholder will immediately cause the title and form MVT 22-1 to be mailed or delivered to the Department. The delivery of the title does not effect the rights of the first lienholder named on it. The Department will issue a new title, removing the name of the second or third lienholder, showing the first lienholder's name only. The new title will be mailed to first lienholder with memorandum copy to owner.
- (2) Supporting Documents:
 - (a) Surrender outstanding title with second or third lien properly released or surrender outstanding title with form MVT 22-1 properly executed.
 - (b) Fee: No charge. (§32-8-3(a)(2))

810-5-75-21. Title Procedure - First Lien or Security Interest Releases on Title. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) First lienholder will execute a release of his security interest on the face of the title held by him (original signature must be signed on release - NO STAMP IS PERMITTED FOR VALIDATION), and forward to the Department. The Department will issue a new

title listing no liens and the new title will be mailed to the owner. If there is a second lienholder shown on the title, first lienholder will mail or deliver the title to the second lienholder. Second lienholder will immediately cause the title to be mailed or delivered to the Department. The Department will issue a new title listing the second lienholder as first lienholder on the new title. The new title will be mailed to the first lienholder with memorandum copy to owner.

(2) Supporting Documents:

(a) Surrender outstanding title with lien properly released.

(b) Fee: No charge. (§32-8-3(a)(2))

810-5-75-22. Title Procedure - Third Lien to be Added (Security Interest Created by Owner). Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Designated agent and owner complete MVT 5-1 (Application for Title). (NOTE: If lienholder is not a designated agent then form MVT 20-1 may be used in lieu of form MVT 5-1). Application must be properly filled in with typewriter (BLACK INK), signed by owner and designated agent or lienholder (Form MVT 20-1). The application and required fee of \$2.00 will be delivered to first lienholder listed on application. First lienholder will immediately cause application, outstanding title and required fee be delivered or mailed to the Department. The delivery of the certificate does not effect the rights of the first lienholder under his security agreement. (NOTE: If application is approved, new title will be mailed to the first lienholder with first and second lienholders listed, memorandum copy mailed to the owner).

(2) Supporting Documents:

(a) Surrender outstanding title.

(b) Application must show exact name as shown on outstanding title, and first and second lienholder shall be listed on application and the number three (3) shall be indicated in the number of liens box of the vehicle information portion of the application.

(c) Copy of third lienholder's security interest agreement.

(d) Fee of \$2.00. (NOTE: Security interest created at the time of transfer of vehicle is perfected with application for a certificate of title. There will not be an additional fee added to the fee for titling the vehicle in order to perfect the security interest. Application for a new certificate of title only to perfect a security interest, created by owner, requires a fee of two dollars (\$2.00). (§32-8-3(a)(2))

810-5-75-23. Title Procedure - Second Lien to be Added (Security Interest Created by Owner). Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Designated agent and owner complete MVT 5-1 (Application for Title). (NOTE: If lienholder is not a designated agent then form MVT 20-1 may be used in lieu of form MVT 5-1). Application must be properly filled in with typewriter (BLACK INK), signed by owner and designated agent or lienholder (Form MVT 20-1). The application and required fee of \$2.00 will be delivered to first lienholder listed on application. First lienholder will immediately cause the application, outstanding title and required fee be delivered or mailed to the Department. The delivery of the certificate does not effect the rights of the first lienholder under his security agreement. (NOTE: If application is approved, new title will be mailed to the first lienholder with first and second lienholders listed, memorandum copy mailed to the owner).

(2) Supporting Documents:

(a) Surrender outstanding title.

(b) Application must show exact name as shown on outstanding title.

(c) Fee of \$2.00. (NOTE: Security interest created at the time of transfer of vehicle is perfected with application for a certificate of title. There will not be an additional fee added to the fee for titling the vehicle in order to perfect the security interest. Application for a new certificate of title only to perfect a security interest, created by owner, requires a fee of two dollars (\$2.00). (§32-8-3(a)(2))

810-5-75-24. Title Procedure - First Lien to be Added (Security Interest Created by Owner). Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Designated agent and owner complete MVT 5-1. (NOTE: If lienholder is not a designated agent then form MVT 20-1 may be used in lieu of form MVT 5-1). Application

must be properly filled in with typewriter (including previous Alabama title number), signed by owner and designated agent or lienholder (Form MVT 20-1), and required fee of \$2.00 will be delivered to the lienholder. The lienholder shall immediately cause the application and required fee be mailed or delivered to the Department. (NOTE: If application approved, new title will be mailed to first lienholder and memorandum copy mailed to owner).

(2) Supporting Documents:

(a) Surrender outstanding title.

(b) Application must show exact name as shown on outstanding title.

(c) Fee of \$2.00. (§32-8-3(a)(2))

810-5-75-.25. Title Procedure - First Title for a New (1975 and Later Models) Vehicle.

Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK), signed by owner and designated agent.

(2) Supporting Documents:

(a) Certified manufacturer's certificate of origin, properly assigned to owner.

(b) Fee of \$4.00. (§32-8-3(a)(2))

810-5-75-.26. Title Procedure - Owner Application for an Alabama Certificate of Title on a Used (1975 and Later Models) Vehicle, Currently Titled in Another State. Reference:

Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with typewriter (BLACK INK), signed by owner and designated agent.

(2) Supporting Documents:

(a) Surrender outstanding out-of-state title properly assigned to owner. NOTE: When outstanding out-of-state title is in the name of the owner applying for Alabama title and the out-of-state title is being held by a recorded lienholder, then the owner applying for Alabama title shall properly complete form MVT 5-8 (Notice of Missing Document) and submit in lieu of the outstanding out-of-state title.

(b) Fee of \$4.00 (First title in Alabama). (§32-8-3(a)(2))

810-5-75-.26.01. Title Procedure - Motor Vehicles Exempt From Titling in Other States -

Reference: Section 32-8-1 through 32-8-88, Code of Alabama 1975, as amended.

(1) Some states exempt from titling, motor vehicles which are a certain number of model years old or older as established in their Code. Those states allow ownership of such exempt vehicles to be transferred by a bill of sale. Although exempt from titling in those states, the vehicles are still required to be registered.

(2) The State of Alabama requires that motor vehicles designated a 1975, and subsequent year model, (except those specifically exempted in Section 32-8-31, Code of Alabama 1975, as amended), be titled. Therefore, any motor vehicle entering Alabama which is required to be registered and titled as outlined in Section 32-8-30, Code of Alabama 1975, as amended, from a state where it was exempt from titling due to age, weight or type of vehicle, shall be titled in this state by the first Alabama purchaser (including licensed motor vehicle dealers). Application for title shall be supported by outstanding certificate of title issued for the vehicle, if any, and/or the last officially validated Registration, notarized (if required by the foreign jurisdiction) bill of sale, and lien satisfaction statement (if available).

(3) Pursuant to Section 32-8-39 (b), Code of Alabama 1975, as amended, Alabama shall issue a "distinctive" certificate of title for all vehicles previously registered in a foreign jurisdiction whose laws do not require that lienholders be named on a certificate of title in order to perfect their security interests. The Alabama Certificate of Title shall contain the legend, "This vehicle may be subject to an undisclosed lien."

(4) If no notice of a security interest in the vehicle is received by the department within four (4) months from the issuance of the distinctive certificate of title, the department shall, upon application and surrender of the distinctive certificate of title, issue a certificate of title in ordinary form.

(5) Fee as required in the schedule of fees and commissions:

(a) Fee required for first certificate of title (containing legend).

(b) Fee required for certificate of title to remove legend.

(Authority: Sections 32-8-1 through 32-8-88 Code of Alabama 1975, as amended) (Adopted through APA effective June 21, 1995)

810-5-75-27. Title Procedure - First Title For Vehicles Reconstructed With Glider Kits For A Vehicle To Be Titled That Has Been Reconstructed With A Glider Kit, The Glider Kit Must Be Designated By The Manufacturer On The Manufacturer's Certificate Of Origin A 1975 Or Subsequent Year Model. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Designated agent completes form MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK), signed by designated agent and owner.

(2) Supporting Documents:

(a) If power train for the new glider kit (1975 or later year model) was removed from a 1974 year model or prior year model vehicle, the following documents are required:

1. Certified manufacturer's certificate of origin for new glider kit properly assigned to owner.
2. Notarized affidavit stating that the applicant is the recorded owner of the vehicle from which the power train was removed, providing vehicle identification number, make, model, etc., and also stating if there is a lien on the power train, who the lienholder is and the lienholder's address.
3. Certified copies of the applicant's registration receipts for the last two years covering the vehicle from which the power train was removed.
4. If the power train was obtained from a vehicle which was not owned by the applicant, a notarized bill-of-sale covering such power train must be attached. This notarized bill-of-sale shall contain the vehicle identification number of the vehicle from which the power train was removed. If the component parts of the power train were purchased individually, a notarized bill-of-sale covering each component part must be furnished. The notarized bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.
5. Notarized affidavit by the person reconstructing the vehicle stating what was done to reconstruct the truck or truck tractor and that said vehicle is now in operable condition.

(b) If power train for the new glider kit (1975 or later year model) was removed from a 1975 year model or subsequent year model vehicle the following supporting documents are required:

1. Certified manufacturer's certificate of origin for new glider kit properly assigned to owner.
2. Form MVT 17-1 (Report of Scrapped, Dismantled or Destroyed Vehicle), outstanding title, vehicle identification number plate, license plate on the vehicle from which the power train was removed if they have not been surrendered previously according to Sections 17 or 41 of Act 765. (See note.)
3. If the power train was obtained from a vehicle which was not titled in the applicant's name, a notarized bill-of-sale covering such power train must be attached. If the component parts of the power train were purchased individually, a notarized bill-of-sale covering each component part must be furnished.
4. Notarized affidavit by the person reconstructing the vehicle stating what was done to reconstruct the truck or truck tractor and that said vehicle is now in operable condition. c. Fee of \$4.00.
- (3) The vehicle identification number to be shown on the application for certificate of title shall be the vehicle identification number shown on the manufacturer's certificate of origin covering glider kit.
- (4) NOTE: An owner who scraps, dismantles or destroys a vehicle and a person who purchases a vehicle as scrap or to be dismantled or destroyed shall indicate same on the

back of the certificate of title and shall within seventy-two (72) hours cause the certificate of title, the vehicle identification number plate and the motor vehicle license plate to be mailed or delivered to the Department. (§32-8-3(a)(2))

810-5-75-.28. Title Procedure - First Title For Assembled Vehicles.

(1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) The term "major component" as used in this regulation shall mean the following:

(a) For passenger vehicles:

1. Motor or engine.
2. Transmission or trans-axle.
3. Trunk floor pan or rear section and roof.
4. Frame or any portion thereof (except frame horn), or, in the case of a unitized body, the supporting structure which serves as the frame, except when it is a part of the trunk floor pan, or rear section and roof.
5. Cowl, firewall, or any portion thereof.
6. Roof assembly.

(b) For truck, truck type, or bus type vehicles:

1. Motor or engine.
2. Transmission or trans-axle.
3. Frame or any portion thereof (except frame horn), or, in the case of a unitized body, the supporting structure which serves as the frame.
4. Cab.
5. Cowl or firewall or any portion thereof.
6. Roof assembly.
7. Cargo compartment floor panel or passenger compartment floor pan.

(c) For motorcycles:

1. Engine or motor.
2. Transmission or trans-axle.
3. Frame.
4. Front fork.
5. Crankcase.

(3) VEHICLES ASSEMBLED WITH KITS.

(a) Before making application for title, the applicant must obtain (available from all County License Plate Issuing Officials and from the Department) and properly complete form MVT 26-3 (Application For Alabama Assigned Vehicle Identification Number).

NOTE: The vehicle identification number to be shown on form MVT 26-3 shall be the vehicle identification number of the vehicle from which the chassis or frame was removed. The applicant shall deliver completed form MVT 26-3 along with the following supporting documents to the Department.

(b) Supporting Documents:

1. For kits (1975 or subsequent year model) assembled with chassis or frame from a 1974 or prior model vehicle:

- (i) Certified manufacturer's certificate of origin for new kit properly assigned to the applicant.
- (ii) Certified copy of the most recent registration receipt in the applicant's name for the vehicle from which the chassis or frame was removed, or if the chassis or frame was obtained from a vehicle which was not registered in applicant's name, then a notarized bill-of-sale to the applicant for the chassis or frame must be attached. This bill-of-sale shall contain the vehicle identification number of the vehicle from which the chassis or frame was obtained.
- (iii) If any of the major component parts were purchased individually, a notarized bill-of-sale for each component part must be attached. This bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.
- (iv) A notarized affidavit by the person assembling the vehicle stating what was done to assemble the vehicle and that said vehicle is now in operable condition.

2. For kits (1975 or subsequent year model) assembled with chassis or frame from a 1975 or subsequent year model vehicle:

- (i) Certified manufacturer's certificate of origin for new kit properly assigned to the applicant.
- (ii) Outstanding certificate of title (in applicant's name or assigned to applicant) for the vehicle from which the chassis or frame was removed, or if the chassis or frame was obtained from a vehicle which was not titled in applicant's name or assigned to the applicant and the certificate of title is unavailable, then a notarized bill-of-sale to the applicant for the chassis or frame must be attached. This bill-of-sale shall contain the vehicle identification number of the vehicle from which the chassis or frame was obtained.
- (iii) If any of the major component parts were purchased individually, a notarized bill-of-sale for each component part must be attached. This bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.
- (iv) A notarized affidavit by the person assembling the vehicle stating what was done to assemble the vehicle and that said vehicle is now in operable condition.

(c) Fee (See Schedule of Fees and Commissions). Upon receipt of a properly completed form MVT 26-3 and the required supporting documents, the Department will issue a vehicle identification number plate which will have an assigned vehicle identification number embossed thereon. The Department will then notify the applicant to bring the assembled vehicle to an inspection station designated by the Department so that the Department can physically inspect the assembled vehicle and, if everything is in order, attach the vehicle identification number plate to the assembled vehicle. The Department and the applicant shall then complete forms MVT 26-4 and MVT 5-1c. The Department will then process forms MVT 5-1c, MVT 26-3, MVT 26-4, and any other required supporting documents and, upon approval, issue a certificate of title with legend "ASSEMBLED".

(4) VEHICLES (NOT INCLUDING TRAILERS) ASSEMBLED FROM PARTS

(a) Before making application for title, the applicant must obtain (available from all County License Plate Issuing Officials and from the Department) and properly complete form MVT 26-3 (Application For Alabama Assigned Vehicle Identification Number).

NOTE: The vehicle identification number to be shown on form MVT 26-3 shall be the vehicle identification number of the vehicle from which the chassis or frame was removed. The applicant shall deliver completed form MVT 26-3 along with the following supporting documents to the Department.

(b) Supporting Documents:

1. For vehicles assembled with chassis or frame from a 1974 or prior year model vehicle:

(i) Certified copy of the most recent registration receipt in the applicant's name for the vehicle from which the chassis or frame was removed, or if the chassis or frame was obtained from a vehicle which was not registered in applicant's name, then a notarized bill-of-sale to the applicant for the chassis or frame must be attached. This bill-of-sale shall contain the vehicle identification number of the vehicle from which the chassis or frame was obtained.

(ii) If any of the major component parts were purchased individually, a notarized bill-of-sale for each component part must be attached. This bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.

(iii) A notarized affidavit by the person assembling the vehicle stating what was done to assemble the vehicle and that said vehicle is now in operable condition.

2. For vehicles assembled with chassis or frame from a 1975 or subsequent year model vehicle:

(i) Outstanding certificate of title (in applicant's name or assigned to applicant) for the vehicle from which the chassis or frame was removed, or if the chassis or frame was obtained from a vehicle which was not titled in applicant's name or assigned to the applicant and the certificate of title is unavailable, then a notarized bill-of-sale to the applicant for the chassis or frame must be attached. This bill-of-sale shall contain the vehicle identification number of the vehicle from which the chassis or frame was obtained.

(ii) If any of the major component parts were purchased individually, a notarized bill-of-sale for each component part must be attached. This bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.

(iii) A notarized affidavit by the person assembling the vehicle stating what was done to assemble the vehicle and that said vehicle is now in operable condition.

(c) Fee (See Schedule of Fees and Commissions). Upon receipt of a properly completed form MVT 26-3 and the required supporting documents, the Department will issue a vehicle identification number plate which will have an assigned vehicle identification number embossed thereon. The Department will then notify the applicant to bring the assembled vehicle to an inspection station designated by the Department so that the Department can physically inspect the assembled vehicle and, if everything is in order, attach the vehicle identification number plate to the assembled vehicle. The Department and the applicant shall then complete forms MVT 26-4 and MVT 5-1c. The Department will then process forms MVT 5-1c, MVT 26-3, MVT 26-4, and any other required supporting documents and, upon approval, issue a certificate of title with legend "ASSEMBLED".

(5) TRAILERS ASSEMBLED FROM PARTS (FROM ONE OR MORE TRAILERS)

(a) Before making application for title, the applicant must obtain (available from all County License Plate Issuing Officials and from the Department) and properly complete form MVT 26-3 (Application For Alabama Assigned Vehicle Identification Number).

NOTE: The vehicle identification number to be shown on form MVT 26-3 shall be the vehicle identification number of the vehicle from which the chassis or frame was removed. The applicant shall deliver completed form MVT 26-3 along with the following supporting documents to the Department.

(b) Supporting Documents:

1. For trailers assembled with chassis or frame from a 1974 or prior year model vehicle:

(i) Certified copy of the most recent registration receipt in the applicant's name for the vehicle from which the chassis or frame was removed, or if the chassis or frame was obtained from a vehicle which was not registered in applicant's name, then a notarized bill-of-sale to the applicant for the chassis or frame must be attached. This bill-of-sale shall contain the vehicle identification number of the vehicle from which the chassis or frame was obtained.

(ii) If any of the major component parts were purchased individually, a notarized bill-of-sale for each component part must be attached. This bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.

2. For trailers assembled with chassis or frame from a 1975 or subsequent year model vehicle:

(i) Outstanding certificate of title (in applicant's name or assigned to applicant) for the vehicle from which the chassis or frame was removed, or if the chassis or frame was obtained from a vehicle which was not titled in applicant's name or assigned to the applicant and the certificate of title is unavailable, then a notarized bill-of-sale to the applicant for the chassis or frame must be attached. This bill-of-sale shall contain the vehicle identification number of the vehicle from which the chassis or frame was obtained.

(ii) If any of the major component parts were purchased individually, a notarized bill-of-sale for each component part must be attached. This bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.

3. A bill-of-sale for each part other than a major component part.

4. A bill-of-sale for materials used in the construction of the vehicle.

5. A notarized affidavit by the person assembling the vehicle stating what was done to assemble the vehicle and that said vehicle is now in operable condition.

(c) Fee (See Schedule of Fees and Commissions). Upon receipt of a properly completed form MVT 26-3 and the required supporting documents, the Department will issue a vehicle identification number plate which will have an assigned vehicle identification number embossed thereon. The Department will then notify the applicant to bring the assembled vehicle to an inspection station designated by the Department so that the Department can physically inspect the assembled vehicle and, if everything is in order, attach the vehicle identification number plate to the assembled vehicle. The Department and the applicant shall then complete forms MVT 26-4 and MVT 5-1c. The Department will then process forms MVT 5-1c, MVT 26-3, MVT 26-4, and any other required supporting documents and, upon approval, issue a certificate of title with legend "ASSEMBLED".

(6) TRAILERS ASSEMBLED FROM PARTS - HOMEMADE TRAILERS (NOT MANUFACTURED FROM OTHER TRAILERS)

(a) Before making application for title, the applicant must obtain (available from all County License Plate Issuing Officials and from the Department) and properly complete form MVT 26-1 (Application For Assigned Vehicle Identification Number For A Homemade Trailer).

(b) Supporting Documents:

1. A bill-of-sale for each part with the identifying (serial) number (if available) and trade name for that component part listed on the bill-of-sale.

2. A bill-of-sale for materials used in the construction of the vehicle.

(c) Fee (See Schedule of Fees and Commissions). Upon receipt of a properly completed form MVT 26-1 and the required supporting documents, the Department will issue a vehicle identification number plate which will have an assigned vehicle identification number embossed thereon. The Department will then notify the applicant to bring the

assembled vehicle to an inspection station designated by the Department so that the Department can physically inspect the assembled vehicle and, if everything is in order, attach the vehicle identification number plate to the assembled vehicle. The Department and the applicant shall then complete forms MVT 26-4 and MVT 5-1c. The Department will then process forms MVT 5-1c, MVT 26-3, MVT 26-4, and any other required supporting documents and, upon approval, issue a certificate of title with the legend "ASSEMBLED" and the make "HOMEMADE".

(Authority: Sections 32-8-1 through 32-8-88, Code of Alabama 1975) (Adopted December 28, 1998)

810-5-75-29. Title Procedure - First Title For Vehicle Obtained From The United States Government. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK) and signed by designated agent and owner.
- (2) Supporting Documents:
 - (a) Standard Form 97, issued by GSA, properly completed. NOTE: Sales made after October, 1992 shall be accompanied by Standard Form 97 (Revised 4-91).
 - (b) A Licensed Alabama Motor Vehicle Dealer who purchases or otherwise acquires a motor vehicle from a government agency that is exempt from the requirement of certificate of title and holds the acquired vehicle for sale, may transfer the vehicle without first obtaining title in the name of the dealership by properly completing a Secure Re-Assignment Supplement Form MVT 8-3 (Revised 1-92). NOTE: Every purchaser of a government vehicle, with the exception of Properly Licensed Motor Vehicle Dealers, shall make application for certificate of title in the purchaser's name.
 - (c) Fee (See Schedule of Fees and Commissions).

(Authority: §32-8-1 through 32-8-88, Code of Alabama 1975) (Adopted January 25, 1994.)

810-5-75-30 Title Procedure - First Title for a Rebuilt Vehicle.

(1) Prior to making application for title, owner (licensed Rebuilder who Restored the vehicle) must first complete an MVT 26-15 Form (Application For Inspection of a Salvage Vehicle and Affirmation Supporting Salvage Certificate) and submit to the department. The MVT 26-15 properly completed provides the written affirmation by the owner as required by Section 32-8-87 (k), Code of Alabama 1975, by stating the following:

(a) Applicant rebuilt the vehicle or supervised its rebuilders, and what has been done to restore the vehicle to its operating condition which existed prior to the event which caused the salvage certificate to issue.

(b) Applicant personally inspected the completed vehicle and it complies with all safety requirements set forth by the state of Alabama and any regulations promulgated thereunder.

(c) The identification numbers of the restored vehicle and its parts have not, to the knowledge of the owner, been removed, destroyed, falsified, altered or defaced.

(d) The Alabama salvage certificate document or foreign jurisdiction's salvage_certificate of title or equivalent attached to the application has not to the knowledge of the owner been forged, falsified, altered or counterfeited.

(e) All information contained on the application and its attachments is true and correct to the knowledge of the owner.

(2) Supporting Documents:

(a) The outstanding Alabama or foreign jurisdiction's salvage certificate of title or equivalent properly assigned to reflect the correct chain of ownership down to and including the applicant.

(b) In the event of an older year model salvage vehicle coming into Alabama from a jurisdiction where it was not required to be titled, a properly signed and notarized bill-of-sale, which declares the vehicle to be salvage, from the insurance company that declared the vehicle as salvage or from the titled owner, to the salvage buyer, is required. The bill-of-sale must provide a complete vehicle description, including the manufacturer's identification number.

(c) A notarized bill of sale for each transfer of the vehicle subsequent to the transfer from the insurance company (if the vehicle is coming into Alabama from a jurisdiction where it was not required to be titled).

(d) Whenever any major component part as defined in Section 32-8-87(m), Code of Alabama 1975, is replaced and is not that component from the original salvage vehicle, appropriate notarized bill(s)-of-sale, with identifying number of part and trade name of part, for that component is required. Bills-of-sale must also be provided for minor component parts, but are not required to be notarized.

(e) A copy of the applicant's regulatory rebuilders license to serve as evidence that the owner is a licensed Rebuilder in the state of Alabama.

(f) When the public vehicle identification number (VIN) plate has been removed from the vehicle the owner must complete an MVT 26-3 form (Application for Alabama Assigned Vehicle identification Number). If the identity of the vehicle can be established, the department will issue an assigned VIN plate containing the vehicle identification number that was issued by the manufacturer and affix the plate to the vehicle. Should it not be possible to establish the identity of the vehicle, the department will issue an Alabama assigned vehicle identification number on the VIN plate.

(g) A notarized statement or a statement on company letterhead must be provided stating in detail all repairs necessary to restore the vehicle, when the application for inspection is for one of the following:

1. Manufactured Home
2. Travel Trailer
3. Utility Trailer
4. Semi Trailer.

(h) Inspection fee of \$75.00 plus title fee as established in Section 32-8-87(l)(1), Code of Alabama 1975. Only certified funds are acceptable.

(3) Upon receipt of a properly completed Form MVT 26-15, the required supporting documents and the required fees, the department's agent will physically inspect the rebuilt vehicle, and if everything is in order, the department's agent will proceed as follows:

(a) Upon inspecting a vehicle for which the Form MVT 26-15 (Application for Inspection of a Salvage Vehicle and Affirmation Supporting Salvage Certificate) is received by the department on or after October 1, 1996, as evidenced by the received date stamped on the MVT 26-15 by the department, the department's agent shall, upon the vehicle successfully passing inspection attach to driver's side door jamb, a secure decal which shall state "Rebuilt Salvage Vehicle - AntiTheft Inspection Passed".

(b) Attach Alabama assigned vehicle identification number plate when necessary.

(c) The department's agent and the owner shall complete Form MVT 26-4 (Rebuilt Salvage Vehicle Secure Decal/Alabama Assigned Vehicle Identification Number) on which both shall certify that the secure decal denoting that the vehicle is a "Rebuilt Salvage Vehicle", and an Alabama assigned vehicle identification number plate when necessary, have been attached to the vehicle as required.

(d) The Department's agent shall complete a Form MVT 26-16 (Completion of Vehicle Inspection) in which the Department's agent certifies the following:

1. He/she inspected the vehicle and its parts and there is no indication that the VIN of the vehicle or its parts have been removed, altered, defaced, destroyed, or tampered with.

2. The vehicle appears to have been restored to its operating condition which existed prior to the event which caused the salvage certificate to be issued.

3. That neither the vehicle or any of its component parts are reported stolen with National Crime Information Center and Alabama Criminal Justice Information Center.

4. That the statements on the application for inspection of a salvage vehicle appear to be true and correct.

(e) The department's agent and the owner shall complete a Form MVT 5-1c Application for Certificate of Title) and the department's agent shall return the Form MVT 5-1c, MVT 26-4 and MVT 26-16 forms to the department whereupon approval, an Alabama Certificate of Title will be issued to the owner which shall contain a legend on its face stating that the vehicle has been "REBUILT".

1. Each Form MVT 26-15 (Application for Inspection of a Salvage Vehicle and Affirmation Supporting Salvage Certificate) received by the department on or after October 1, 1996, as evidenced by the received date stamped on the MVT 26-15 by the department, shall result in the ensuing certificate of title containing a legend on its face stating that the vehicle has been "REBUILT". (Authority: Sections 40-2A-7(a)(5) and 32-8-3(b)(2) (Amended November 22, 1996; amended October 31, 2001)

810-5-75-.31 Title Procedure - Transfer Of Title For Vehicle Under The Abandoned Motor Vehicle Act.

(1) The term "department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) A designated agent attempting to obtain a certificate of title for a motor vehicle sold as an "abandoned motor vehicle" shall complete a MVT 5-1C (Application for Title). The application must be properly filled in with a typewriter or printer (BLACK INK) and signed by the designated agent and the owner. The designated agent shall forward the application and all supporting documents to the department.

(3) Supporting documents shall consist of the following:

(a) Outstanding certificate of title (if available).

(b) A certified copy of the "Report of Sale" filed with the clerk of the circuit or district court of the county in which the sale was reported.

(c) A notarized bill-of-sale from the seller of the abandoned motor vehicle to the purchaser stating that the sale was conducted pursuant to the provisions of Section 32-13-1, et seq., of the Code of Alabama 1975, as amended.

(d) The original certified Abandoned Motor Vehicle Record Request Response statement provided to the seller by the department in response to the filing of an Abandoned Motor Vehicle Record Request Form MVT 32-13, either identifying the name and address of the current owners, secured parties, or lienholders of record, or the original certified Abandoned Motor Vehicle Record Request Response statement from the department that the department has no record of the vehicle.

(e) The original certified mail return receipt forms evidencing that all parties (owners and lienholders) as disclosed on the original certified Abandoned Motor Vehicle Record Request Response statement referenced above in paragraph (d) were notified, or notification was attempted.

(f) If no owner and/or lienholder records are found in response to the filing of an Abandoned Motor Vehicle Record Request Form MVT 32-13, then the seller must provide a written statement as to what steps were taken to reasonably determine the name(s) of the owner(s) and lienholder(s) of record mentioned in the Abandoned Motor Vehicle Record Request Response referenced above in subparagraph (d), and what steps were taken to give notice to such parties.

(g) Payment of the Title fee See Section 32-8-6 Code of Alabama 1975, as amended, for Schedule of Fees and Commissions.

(4) If the party making the sale failed to provide notice, or did not attempt to provide notice to the owners, secured parties, and lienholders of record, the department shall not process the title application.

(5) Should the current certificate of title to a motor vehicle sold pursuant to the provisions of the Alabama Abandoned Motor Vehicle Law, codified at Section 32-13-1, et seq., Code of Alabama 1975, as amended, be designated a "salvage" certificate of title, or if department records indicate an application for a "salvage" certificate of title has previously been received, the new certificate of title issued by the department shall also be a "salvage" certificate of title. The purchaser of a "salvage" abandoned motor vehicle shall not be permitted to register the vehicle, or to operate it upon the highways of Alabama until such time as the vehicle is restored by a licensed rebuilder and inspected by the department as required by Section 32-8-87, Code of Alabama 1975, as amended, and a "rebuilt" Alabama certificate of title is issued.

(6) The implementation date of Act 2003-402 is September 1, 2003. Any application for a certificate of title to a vehicle sold as an abandoned motor vehicle that is received by the department on or after September 1, 2003, shall comply with the provisions of Act 2003-402.

(7) Every purchaser of an abandoned motor vehicle shall title the vehicle in their name. This includes a purchaser who may be a licensed motor vehicle dealer. Authority: Sections 40-2A-7(a)(5) and 32-8-3(b)(2), Code of Alabama 1975. History: Amended: Filed March 17, 2004, effective April 21, 2004.

810-5-75-31.01 Abandoned Motor Vehicle – Requirements for a Report of Sale.

(1) The term "department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) Upon the sale of an abandoned motor vehicle pursuant to the provisions of Section 32-13-1, et seq., Code of Alabama 1975, the selling party must file with the clerk of the circuit or district court of the county in which the sale occurred, a report of sale containing the following information:

(a) Date the abandoned motor vehicle first came into the seller's possession or was abandoned on the seller's premises.

(b) Name and address of the owner (s), secured party (parties), and lienholder (s) of record.

(c) Date on which the required certified mail was sent to the owner (s), secured party (parties), or lienholder (s) of record advising of the intended sale of the abandoned motor vehicle.

(d) The time and place of sale.

(e) The amount for which the abandoned motor vehicle was sold.

(f) The amount(s) deducted from the sale price for repair, towing, and storage expenses.

(g) The amount paid (if any) to the clerk of the circuit or district court.

(3) The following must be attached to the report of sale filed with the clerk of the circuit or district court:

(a) A copy of the statement provided by the department identifying the current owner (s), secured party (parties), or lienholder (s) of record, or a copy of the statement from the department indicating that the department has no record for the vehicle.

(b) A copy of the certified mail return receipt evidencing that notice of the sale was given, or attempted to be given to the owner (s), secured party (parties), or lienholder (s) of record.

(c) If the owner (s), secured party (parties), and lienholder (s) of record could not be ascertained from the department, the seller shall provide the name of the newspaper in which the notice of sale was published, the dates of publication, and the cost of publication.

(d) A notarized affidavit from the seller attesting to the fact that notice was given or attempted to be given as required by Section 32-13-4, Code of Alabama 1975.

(4) The seller of an abandoned motor vehicle shall provide the purchaser of the vehicle a report of sale that has been filed in the circuit or district court within 10 days, from the date of purchase.

(5) The department shall not issue a certificate of title for an abandoned motor vehicle to the new owner if the seller failed to provide notice, or did not attempt to provide notice to the owner(s), secured party(parties), and lienholder(s) of record, or if the documents named above are not attached to the report of sale furnished to the department. Authority: Sections 40-2A-7(a)(5) and 32-8-3(b)(2), Code of Alabama 1975. History: New rule: Filed March 17, 2004, effective April 21, 2004.

810-5-75-.31.02 Abandoned Motor Vehicle Record Request (Form MVT 32-13).

(1) The term "department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) The term "abandoned motor vehicle" as used in this regulation shall refer only to a motor vehicle as defined in Section 32-8-2, Code of Alabama 1975, as amended.

(3) Any person or firm in possession of an abandoned motor vehicle is required to give written notice by certified mail to the current owner, secured parties, and lienholders of record at least 30 days prior to the date of the planned sale of the vehicle. Information regarding the name and address of the current owner, secured parties, and lienholders of record shall be obtained only from the department by submitting the following:

(a) A completed Form MVT 32-13 – Abandoned Motor Vehicle Record Request.

1. Up to 10 vehicles may be listed per form using the vehicle identification numbers (VIN), year, make, model, and Alabama license plate number (if vehicle has a license plate) of the vehicle(s).

2. Name of individual, company, association, or firm, as well as the telephone number, and address of the requestor must be provided.

3. Form must be signed by the party requesting the information, or a representative of the company, association, or firm requesting the information.

(b) Fee(s) (See Section 32-8-6, Code of Alabama 1975, as amended, for Schedule of Fees and Commissions for title records, and Regulation 810-5-1-.231 for registration records).

1. Payment of record search fee(s) shall be in certified funds (personal checks will not be accepted).

2. Payment of record search fee(s) may be in cash, if paid in person at the department's office (do not mail cash).

3. A record search fee(s) is due on each vehicle record requested on an Abandoned Motor Vehicle Record Request Form MVT 32-13 (nonrefundable or transferable).

4. Records will be provided on a certified Abandoned Motor Vehicle Record Request Response statement for the vehicle identification number (VIN) requested on an Abandoned Motor Vehicle Record Request Form MVT 32-13. It shall be the responsibility of the requesting party to submit an additional record search fee and a new Abandoned Motor Vehicle Record Request Form MVT 32-13 to obtain a corrected Abandoned Motor Vehicle Record Request Response statement, if an incorrect vehicle identification number (VIN) is provided to the department.

5. Title and registration record search fees shall be charged for records requested on a vehicle required to be titled. Only a registration record search fee shall be charged for records requested on a vehicle not required to be titled (See Section 32-8-31, Code of Alabama 1975, as amended).

(4) Upon receipt of a properly completed Abandoned Motor Vehicle Record Request Form MVT 32-13 and the applicable record search fee, the department shall provide the requesting party a certified Abandoned Motor Vehicle Record Request Response statement containing a vehicle identification number (VIN) record of all current owner(s) and lienholder(s) information (names and addresses) on file for the vehicle.

(5) In the event department records contain no information for a vehicle identification number (VIN) submitted on an Abandoned Motor Vehicle Record Request Form MVT 32-13, the department shall provide the requesting party a certified Abandoned Motor Vehicle Record Request Response statement that the department has no record for the vehicle.

(6) It shall be the responsibility of any party selling an abandoned motor vehicle to present to the clerk of the circuit or district court of the county in which the report of sale is filed, a copy of the certified Abandoned Motor Vehicle Record Request Response statement (either certifying current records or certifying that the department has no records) received from the department in response to the Abandoned Motor Vehicle Record Request Form MVT 32-13 submitted by the selling party. Authority: Sections 40-2A-7(a)(5) and 32-8-3(b)(2), Code of Alabama 1975. History: New rule: Filed March 17, 2004, effective April 21, 2004.

810-5-75-.32. Title Procedure - Transfer of Title For A Vehicle In Bankruptcy. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK) and signed by designated agent and owner.
- (2) Supporting Documents:
 - (a) Copy of court order appointing trustee.
 - (b) Outstanding certificate of title properly assigned by trustee to purchaser, if available, or a notarized bill-of-sale issued by trustee to purchaser.
 - (c) Title fee of \$4.00 (if outstanding certificate of title is from another jurisdiction) \$3.00 (if outstanding certificate of title is from Alabama). (§32-8-3(a)(2))

810-5-75-.33. Title Procedure - Transfer of Title When A Vehicle Is Repossessed By A Lienholder Whose Lien Has Not Been Recorded. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completed MVT 5-1 (Application for Title). Applications must be properly filled in with a typewriter (BLACK INK) and signed by designated agent and owner (unrecorded lienholder (see note)).
- (2) Supporting Documents:
 - (a) Outstanding certificate of title or manufacturer's certificate of origin issued to or assigned to the owner in default.
 - (b) Form MVT 5-1 (Revised) (Repossessed Motor Vehicle Affidavit and Disposition of Vehicle Under Lien) properly completed.
 - (c) Copy of security interest agreement.
 - (d) Title fee of \$4.00 (if vehicle was not titled in Alabama) \$3.00 (if vehicle currently titled in Alabama).
- (3) NOTE: The unrecorded lienholder shall be required to title the vehicle in their name. (§32-8-3(a)(2))

810-5-75-.34. Title Procedure - Title Obtained Under Surety Bond.

- (1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.
- (2) Applicant(s) shall complete a request for an Alabama certificate of title under surety bond (form MVT 10-1a) and attach required documents as specified in the MVT 10-1a form. Upon approval of the surety bond request form MVT 10-1a, the applicant(s) will be mailed a partially completed certificate of title surety bond (form MVT 10-1).
- (3) Designated agent completes MVT 5-1c (Application for Title). The application (MVT 5-1c) shall be machine printed or typewritten in black ink and shall be signed by the designated agent and the applicant(s) who claim(s) ownership of the vehicle.
- (4) Supporting Documents
 - (a) Form MVT 10-1 (Certificate of Title Surety Bond) properly completed by applicant(s) and an insurance company licensed to issue surety bonds in the State of Alabama.
 - (b) MVT 10-1a
 - (c) Documents previously submitted with MVT 10-1a by which applicant(s) claim(s) ownership of the vehicle.
 - (d) Fee (See Schedule of Fees and Commissions).
- (5) Title , when issued, will be stamped with the legend "THIS TITLE WAS SECURED UNDER THREE-YEAR SURETY BOND".
- (6) The amount of the bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the Department. The Department may use as guides in establishing the value of the vehicle such publications as National Automobile Dealer's Association Official Used Car Guide Southeastern Edition, Redbook, other nationally recognized guides, written appraisals from individuals or companies whose experience can be expected to qualify them as experts, or other sources as the Department may deem acceptable.
- (7) When an application for title (MVT 5-1c) is supported by a title issued under surety bond that is currently in effect in another jurisdiction, the applicant(s) will be required to post a surety bond in Alabama in order to title the vehicle.
- (8) Certificate of title surety bond (form MVT 10-1) may not be duplicated.

(Authority: Sections 32-8-1 through 32-8-88, Code of Alabama 1975) (Amended effective December 28, 1998.)

810-5-75-.35. BILL OF SALE - Minimum Requirements. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Invoices are not acceptable as a bill of sale. A bill of sale must be a formal instrument for the conveyance or transfer of title to a vehicle.
- (2) A bill of sale, to be acceptable to the Department, shall contain the following minimum requirements:
 - (a) Name of purchaser.
 - (b) Complete address of purchaser (P. O. Box is not acceptable).
 - (c) Date of sale.
 - (d) Complete vehicle description: vehicle identification number, make, year, model or series number, body type.
 - (e) Lienholder created or reserved at time of resale.
 - (f) Date of lien.
 - (g) Name of seller (if dealer, as licensed).
 - (h) Complete address of seller (P. O. Box is not acceptable).
 - (i) If seller is dealer, then dealer shall provide his state and county business license number.
 - (j) If seller is dealer, then dealer shall have the legend "PENALTY OF \$1.50 DUE IF NOT TRANSFERRED WITHIN 10 DAYS" stamped or inscribed in bold and conspicuous print on the bill of sale. (Section 40-12-260(e) license plate transfer.)
 - (k) Vehicle odometer reading (to be same as federal statement).
 - (l) Signature of seller or authorized representative of seller.

(m) Acknowledgment by a notary public that identified the seller and witnessed his signature. (§32-8-3(a)(2))

810-5-75-.36. MAKING APPLICATION FOR TITLE - Responsibilities of Designated Agents, Requirements.

- (1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.
- (2) Designated agents are responsible for obtaining required information and correctly typing it on the application. All applications and information SHALL BE TYPED in black ink. All applications submitted by a Designated Agent shall be listed on a typed Remittance Advice (MVT 31-1). Only designated agents can accept applications for title (MVT 5-1c).
- (3) All supporting documents required by the Department to identify and issue title shall be stapled in the top left corner and attached to the application. The number of forms and documents that accompany a title application will vary according to the type of sale or transfer of ownership. The documents are of different importance in establishing the chain of ownership of a vehicle, and documents should be submitted in a given order. The following order shall be followed by designated agents in submitting all supporting documents for each application.
 - (a) The MVT 5-1c, Title Application, shall be on top.
 - (b) Ownership documents (1975 and later model vehicles): Surrender of outstanding manufacturer's statement of origin, certificate of title, or other acceptable title document that is either in applicant's name or properly assigned to applicant.
 - (c) All other supporting documents.
 - (d) Fee (See Schedule of Fees and Commissions).
- (4) Designated Agents are to verify that all information provided on supporting documents corresponds with the information provided on applications. The most important factor is the vehicle identification number (VIN). All vehicles not currently titled in Alabama shall be physically inspected by the designated agent to verify that the descriptive data is accurate and that the vehicle identification number plate agrees with the vehicle identification number on the application and the document(s) by which the applicant claims ownership of the vehicle. It is recommended, however, that the designated agent inspect all vehicles to insure that the descriptive data is accurate and that the vehicle identification number plate agrees with the vehicle identification number on the application.
- (5) Applications received by the Department will be returned to the designated agent for correction for any of the following reasons:
 - (a) Application contains incorrect information that the Department cannot correct.
 - (b) Supporting documents are incorrect or insufficient to support the issuance of an Alabama certificate of title.
 - (c) Application is not properly listed on a remittance advice (MVT31-1) or is incorrectly assembled.
 - (d) Required fee was not submitted.

(Authority: Sections 32-8-1 through 32-8-88, Code of Alabama 1975) (Amended effective December 28, 1998.)

810-5-75-.37. APPLICATION FOR CERTIFICATE OF TITLE - Seller's Signature Requirements. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

Since the manufacturer's certificate of origin, properly assigned, or the surrendered certificate of title, properly assigned by the registered owner or selling dealer, is a component part of an application for certificate of title upon transfer of a vehicle and when this assignment contains the signature of the seller, this signature will meet the requirements of seller's signature on

application for title and therefore, the seller does not have to sign the face of the application. (§32-8-3(a)(2))

810-5-75-.38. RE-ASSIGNMENT SUPPLEMENT FORM MVT 8-3, USED BY LICENSED ALABAMA DEALERS UPON TRANSFER OF OWNERSHIP. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Secure Re-Assignment Supplement Form MVT 8-3 Revised shall be used by licensed Alabama dealers upon transfer of ownership on transactions where all re-assignment spaces on the certificate of title have been completed.
- (2) The Secure Re-Assignment Supplement Form may be used with both conforming and nonconforming titles and MSO's, and must be attached to the title that it supplements to be valid. This form will not be acceptable in lieu of any blank spaces on the certificate of title, nor will a second MVT 8-3 Revised be acceptable in lieu of any blank spaces on the first form. This form shall be considered a component part of the original title when attached to same and any alterations to this form voids all assignments and reassignments and carries the same penalties of law as provided for the assignments and re-assignments on the original title.

(Authority: §§32-8-1 through 38-8-88, Code of Alabama 1975) (Adopted effective September 18, 1992)

810-5-75-.39. ALTERED DOCUMENTS. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) The Department will not accept any document that has been altered. This includes, but is not limited to, applications for title, certificates of title, manufacturer's certificates of origin, assignments of titles and certificates of origin, bills of sale, affidavits and all forms required by the Department whether they be Alabama forms or forms from another jurisdiction.
 - (2) Any document on which correction tape, liquid paper, white-out, yellow-out or any other type of fluid or means (such as an ink-out) is used to remove, obliterate, delete or cover up previously entered information will not be accepted. The Department will require a replacement document to be obtained for the altered document.
 - (3) When an error is made on a document, a single line shall be drawn through the incorrect information and the correct information shall be entered above the incorrect information. The person who made the error shall give a notarized affidavit stating the reason(s) for the error and/or correction and attach said affidavit to the document.
- NOTE: Persons who enter information, change, or alter a document that pertains to an assignment must obtain notarized affidavit(s) from the assignee(s) attesting to the incorrect and/or corrected entry. (§32-8-3(a)(2))

810-5-75-.40. APPLICATION FOR CERTIFICATE OF TITLE - Requirements for Names and Signatures on Application. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) An application for a certificate of title, accompanied by the required supporting documents which show more than one (1) owner, shall have the names of all owners shown on the application. All owners shall sign the application.
- (2) If the current bill of sale, manufacturer's certificate of origin, or outstanding title show only one owner and the owner shown desires to include the name of a second owner in the certificate of title, both names must appear on the application for the certificate and both owners must sign the application. (§32-8-3(a)(2))

810-5-75-.41. DEALER REQUIRED TO TITLE VEHICLE - Title Application Submitted to Department and is Returned to Dealer Because Transfer of Vehicle was not Consummated. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

The Department may require a licensed dealer to obtain title in the dealership's name when a certificate of origin or certificate of title, assigned to another person and submitted to the Department for titling, has been returned to the dealership because the transfer was not consummated. (§32-8-3(a)(2))

810-5-75-.42. DEALER RECORDS. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Section 32-8-45(b), Code of Alabama 1975, provides that every dealer shall maintain for five years a record in the form the Department prescribes (emphasis supplied) of every vehicle bought, sold or exchanged by him or received by him for sale or exchange, which shall be open to inspection by representatives of the Department and law enforcement officers during reasonable business hours.

(2) The majority of licensed motor vehicle dealers in Alabama have their records maintained by certified public accountants and/or by computers and the records normally maintained are in a form which meets the requirements and needs of the Department to accurately determine all transactions of the dealerships for vehicles bought, sold, exchanged or received for sale or exchange.

(3) The records maintained by Alabama motor vehicle dealers for five years are acceptable in any format if they include the following information:

(a) Name and complete address (P. O. Box number not acceptable) of person buying, selling or exchanging vehicle with dealer.

(b) Name and complete address (P. O. Box number not acceptable) of owner from whom a vehicle was received for sale or exchange.

(c) Complete vehicle description: year, make, model, or series number, vehicle identification number and body type.

(d) Date of transaction. (§32-8-3(a)(2))

810-5-75-.43. Assignments and Re-assignment of Title Certificates.

(1) All certificates of Title issued prior to September 1, 1989, shall continue to be valid and negotiable documents. Since it provides for an inadequate number of dealer re-assignments, the supplemental title re-assignment forms shall continue to be valid when attached to the corresponding title certificate and by the attachment of a conforming Federal Odometer Statement supporting the last assignment from dealer to retail customer, and

(2) IT IS THEREFORE ORDERED that no supplemental re-assignment forms may be used with the new Alabama Certificate of Title issued on and after September 1, 1989, in order to conform on a single document with The Federal Truth-In-Mileage Act in its entirety.

(Authority: §32-8-44 and §32-8-45, Code of Alabama 1975) (Adopted effective April 25, 1990)

810-5-75-.44. Assignment/Reassignment of Salvage Certificate of Title.

(1) Salvage certificates of title contain a title assignment area by the registered owner and reassignments by licensed dealers.

(2) The salvage title reassignments are currently restricted to use by licensed dealers and salvage vehicles are bought and sold by individuals and the transfer is accomplished by notarized bills of sale which may or may not contain the required odometer disclosure information mandated by the Federal Truth-in-Mileage Act of 1986.

(3) Selling individuals and purchasing individuals who are not licensed dealers, are also required by the Federal Truth-in-Mileage Act of 1986 to disclose the odometer reading of a vehicle upon transfer.

- (4) Purchasers and sellers of salvaged motor vehicles, as defined in section 32-8-2, Code of Alabama 1975, as amended, shall complete the assignment/reassignment areas of the (Blue) salvage certificate of title, which contains the conforming Federal odometer disclosure information, as required by the Federal Truth-in-Mileage Act of 1986.
- (5) This rule does not affect the Red Alabama salvage certificate of Title Procedure as it does not conform to the requirements of the Federal Truth-in-Mileage Act of 1986.
- (6) If the last reassignment on the Blue salvage certificate is completed, and the last assignee sells the salvage, then the last assignee shall obtain a salvage title in his/her name before reassigning the salvage title to the purchaser.

(Authority: §§32-8-1 through §32-8-87, Code of Alabama 1975) (Adopted effective September 25, 1990)

810-5-75-.46. Assignment of Certificate of Title.

1. The Alabama Uniform Certificate of Title and Antitheft Act provides for the transfer of motor vehicles by operation of law (involuntary transfers) whereby the vehicle's previous owner is not required to complete the assignment of title and, in some instances, the certificate of title is not available. This Act further provides for an exemption from having to take title in the name of the transferee in instances of repossession of a motor vehicle or when an insurance company acquires a motor vehicle from an insured under the terms of an insurance contract (policy).
2. The Federal Truth-In-Mileage Act of 1986 (as amended) and the rules of the National Highway Traffic Safety Administration require all states to issue a secure certificate of title which includes a Conforming Odometer Statement in the assignment. This Act further requires the transferee and the transferor to complete the odometer statement on the certificate of title or by issuance of a separate conforming Federal Odometer Statement when the certificate of title does not contain the required odometer statement.
3. The Alabama Certificate of Title provides for an assignment of title by the registered owner which shall include the lienholder reflected on the face of the certificate in instances of repossession.
4. The Alabama Certificate of Title provides for re-assignments of title by licensed dealers which shall include licensed insurance companies who issue insurance contracts (policies) on motor vehicles and who acquire a motor vehicle under the terms of an insurance contract.
5. Lienholders who are recorded on the certificate of title and effect repossession of the motor vehicle, insurance companies who acquire ownership of a motor vehicle under the terms of an insurance contract (policy) and the heir(s) of motor vehicles when the deceased person died without a will, may either take title in their name or they shall effect transfer of the vehicle(s) as follows:
 - (a) Lienholders must complete the Repossessed Motor Vehicle Affidavit and Disposition of Vehicle Under Lien (MVT Form 1-5), and shall complete the assignment of title by owner, and if the assignment of title area does not contain the required Federal Odometer Disclosure Statement, a separate conforming Federal Odometer Statement as mandated by the Federal-Truth-in-Mileage Act of 1986 must be issued by the seller to the buyer. If the buyer is the applicant for title, the original copy of the statement must accompany the application for title.
 - (b) Insurance companies who acquire ownership of non-total loss vehicles shall acquire a properly assigned certificate of title from the owner (insured) to the insurance company, and shall complete the "Affidavit of Acquisition and Disposition of a Non-Total Loss Vehicle by Insurance Company" (MVT Form 45-1), and shall complete the "first re-assignment of title by a licensed dealer" to their transferee. If the title assignment/re-assignment area does not contain the required Federal Odometer Disclosure Statement, a separate conforming Federal Odometer Statement as mandated by the Federal-Truth-in-Mileage Act of 1986 shall be issued by the insurance company to the purchaser. If the

purchaser is the applicant for title, the original copy of the statement must accompany the application for title.

(c) Heirs of deceased owners of motor vehicles who died without a will who dispose of motor vehicles must complete an Affidavit for Assignment of Title When Deceased Owner Died Without A Will (MVT Form 5-6) and shall complete the assignment of title by owner. If the assignment of title area does not contain the required Federal Odometer Disclosure Statement, a separate conforming Federal Odometer Statement must be issued by the seller to the purchaser. If the purchaser is the applicant for title, the original copy of the statement must accompany the application for title by the applicant.

(Authority: §32-8-3, Code of Alabama 1975) (Adopted effective September 25, 1990)

810-5-75-.46.01. Assignment of Certificate of Title - Transferor's Signature Requirements.

(1) As required under Section 32-8-39 (c), Code of Alabama 1975, as amended, the Alabama Certificate of Title provides an assignment to be completed by the owner (transferor) upon transfer of a titled vehicle, as well as reassignments for licensed dealers to complete to further transfer the vehicle. The transferor of a vehicle must provide a properly assigned certificate of title to the transferee upon the transfer of a vehicle unless the transfer is by operation of law.

(2) The transferor's signature on a certificate of title, manufacturers' statement of origin, dealer reassignment form, power of attorney, and other documents requiring an assignment by the transferor shall meet the following criteria:

(a) Shall be the legal signature of transferor.

(b) Signature of transferor must be hand written.

(c) Signature must be first name first.

(d) Signature of each transferor is required when names of owners on the face of the certificate of title are joined by the conjunction "and", or when there is NO conjunction joining the names of the owners.

(e) Signature of either transferor is acceptable when names of owners on the face of the certificate of title are joined by the conjunction "or" or "and/or".

(f) If the transferor is a company, a representative of the company must sign as transferor. The signature of the representative must comply with all requirements set out in this regulation. Writing or printing the company name will not be acceptable as a signature.

(Authority: Section 32-8-1 through 32-8-88, Code of Alabama 1975) (Adopted effective December 10, 1997)

810-5-75-.47. Title Procedure - Identification of Motor Vehicles Returned to the Manufacturer Because of Non-conformity to Warranty.

(1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) Section 8-20A-4, Code of Alabama 1975, requires the legend "THIS VEHICLE WAS RETURNED TO THE MANUFACTURER BECAUSE IT DID NOT CONFORM TO ITS WARRANTY" be placed on certificates of title issued to the manufacturer due to reasons outlined in the Code. This legend shall be continued on all successive certificates of title.

(3) A specific procedure is needed for motor vehicle manufacturers to follow in obtaining such title certificates.

(4) Therefore, vehicles based in Alabama and required to be registered in this State which are conveyed back to a manufacturer under provisions of Section 8-20A-1/6, Code of Alabama 1975 (commonly known as the Lemon Law), shall require the manufacturer to make application for certificate of title in their name to the Department. The manufacturer may either complete a MVT 5-1A application (which they may obtain from

the Department) and forward to the Department with the required supporting documents, or make application through a designated agent of the Department. The manufacturer is not required to provide an in state address when titling a "lemon" vehicle pursuant to the Code. Upon approval of these documents, a new Alabama certificate of title will be issued reflecting the legend (brand) required by State law.

(5) Supporting Documents:

(a) Properly assigned certificate of title.

(b) Affidavit stating that vehicle is being titled in name of manufacturer pursuant to the provisions of Section 8-20A-1/6, Code of Alabama 1975, as amended.

(c) Power of attorney if applicable.

(d) Fee (see schedule of Fees and Commissions).

(Authority: Section 8-20A-1 through 8-20A-6, Code of Alabama 1975) (Amended effective December 10, 1997)

810-5-76-.01. Odometer Disclosure Requirements.

(1) Alabama Title Certificates (MVT Form 8-1) shall be issued which provide for the proper Federal odometer disclosure information required by Title 15, United States Code, Section 1981, et. seq., as amended.

(2) Applications for Alabama Certificate of Title, wherein a change of ownership has occurred, and applications for inspection of restored salvage motor vehicles wherein the surrendered certificate of title does not contain the required Federal odometer disclosure information, shall be accompanied by a separate completed Federal Odometer Statement from the transferor to the transferee (applicant for title or inspection). Such statement shall contain the information and disclosure as specified in Title 15, United States Code, Section 1981, et. seq., as amended.

(Authority: Truth in Mileage Act of 1986, Pub. L. 99-579, enacted by Congress) (Adopted effective April 25, 1990.)

810-5-76-.02. Odometer Disclosure for Certificates of Title - Power of Attorney.

(1) The Federal Truth-in-Mileage Act of 1986 permits States to provide a power of attorney form for use by owners when transferring their motor vehicles, and their certificate of title is held by a duly recorded lienholder, or the certificate of title is lost, and a replacement certificate of title must be obtained. Such power of attorney can be used to disclose the vehicle's odometer reading in the assignment of title by the titled owner and will also permit the transferee to complete the assignment of title to the transferee. The odometer disclosure in the title assignment must be exactly as stated in the odometer disclosure made in the power of attorney.

(2) The Federal Truth-in-Mileage Act of 1986 mandates that the power of attorney, utilized to transfer a vehicle under the above conditions, be printed by a secure printing process. The Final Rule issued by the National Highway Traffic Safety Administration (NHTSA) regarding such secure P.O.A., defines an original P.O.A. in such a manner that allows for the use of a multiple-part secure power of attorney form where each part is considered to be an original when the copies are printed on secure paper. When a secure P.O.A. is utilized, all signatures (both seller and dealer) must be original on all parts of the secure P.O.A., not just the top part.

(3) MVT Form 8-4 is to be used for the purpose described above. Upon the sale of a vehicle by a dealership, or upon the declaration of a total loss by an Insurance Company where a MVT 8-4 secure P.O.A. has been utilized, the dealer or Insurance Company must follow the procedures as outlined herein for the following types of transactions: A. If vehicle is sold at retail to an Alabama resident the original secure power-of-attorney must be submitted along with title application in new owner's name and outstanding title to the Motor Vehicle Division with appropriate fee and remittance advice. B. If vehicle is sold at retail to a nonresident of Alabama the selling Alabama dealer must submit a copy (page

2-file copy) of the secure power-of-attorney (containing all original signatures) along with a copy of the title (front and back) to the Motor Vehicle Division. No fee is required. The original secure power-of-attorney and title should be given to the owner and/or lienholder, if required, for titling in the owner's resident state. C. If vehicle is sold at wholesale to an Alabama dealer or a dealer outside of Alabama, the selling Alabama dealer must submit a copy (page 2-file copy) of the secure power-of-attorney (containing all original signatures) along with a copy of the title (front and back) to the Motor Vehicle Division. No fee is required. The original secure power-of-attorney and title should be given to the purchasing dealer. D. If vehicle is declared to be a total loss by an Insurance Company and the Company subsequently satisfies the lienholder for the insured by the payment of such loss the Insurance Company may obtain a secure P.O.A. from the titled owner whereby the Insurance Company will be the purchaser and utilize the secure P.O.A. to complete assignment by registered owner. The original secure P.O.A. must be submitted along with MVT 41-1 application for a salvage title in the Insurance Company's name and outstanding title to the Motor Vehicle Division with appropriate fee and remittance advice. (Authority: Federal Truth-in-Mileage Act of 1987) (Adopted effective September 18, 1992)

810-14-1-.23 Refunds of Motor Vehicle Registration Fees.

(1) In order to expedite the refunds of registration fees to Alabama taxpayers, the Department may, by mutual agreement, transfer its duties/responsibilities of refunding motor vehicle registration fees to the probate judges, license commissioners, or other license plate issuing officials, effective October 1, 1992.

(2) Under the authority of Section 40-12-23 and 40-12-24, Code of Alabama 1975, the county issuing official will determine whether any taxpayer has "by mistake of fact or law" paid registration fees that either were not due or were excessive. Generally, such refunds result from taxpayers paying registration fees for a vehicle that had previously been sold or from a taxpayer paying the registration fees twice for the same vehicle in the same registration period. County issuing officials are not authorized to refund registration fees for the unexpired portion of the registration year.

(3) As a result of Act 2004-554, effective January 1, 2005, if a registrant, after having registered or reregistered his or her motor vehicle registration during the designated renewal month(s), and later, during the designated renewal month(s), sells, totals, junks, or otherwise disposes of the motor vehicle, the registrant may request and is entitled to a refund of the registration fees paid for the upcoming registration year. The refund is due because the vehicle was disposed of prior to the effective date of the upcoming registration year. For example, a registrant with a last name beginning with the letter "A" acquires a vehicle and purchases the initial registration in the month of January. The registrant may elect to either pay registration fees for 13 months (January 1 through January 31 for the current year) and (February 1 through January 31 for the following year) at the time the plate is issued or he or she may elect to pay registration fees for one month (January 1 through January 31 for the current year) and return to the county tag office prior to January 31 and pay fees for the upcoming registration year (February 1 through January 31). The registrant then sells, totals, junks, or otherwise disposes of the vehicle prior to February 1. While the registrant paid registration fees for 13 months (January 1 through January 31) and (February 1 through January 31), the refund due is only for the period February 1 through January 31.

(4) In order to issue refunds, county license plate issuing officials shall request that the taxpayer either surrender the original registration receipt or provide a statement that the receipt was surrendered to the official responsible for collecting ad valorem taxes.

(5) When issuing refunds, county license plate issuing officials shall request, when applicable, the surrender of the license plate and/or revalidation decals. Such license plates/decals shall be retained by the county officials for audit by the Examiners of Public Accounts.

(6) At the end of each reporting period, each county license plate issuing official will prepare a summary of refunds given. This summary shall show the distribution of the monies collected and the credit taken for the refunds as a line item on the Motor Vehicle Report. (Authority: Sections 40-2A-7(a)(5) and 32-6-61, Code of Alabama 1975 (History: Adopted through APA July 16, 1993, effective August 19, 1993; Amended: Filed October 28, 2005, effective December 2, 2005))

